VIEWS OF THE UNITED STATES' COMMISSIONERS ON THE ALASKA BOUNDARY, AS DEFINED BY THE TREATY OF 1825.

(COMMUNICATED BY GENERAL FOSTER TO THE MEMBERS OF THE INTERNATIONAL JOINT HIGH COMMISSION ASSEMBLED AT QUEBEC, AUGUST 1898.)

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TABLE OF CONTENTS.

(This Table is not contained in the Volume communicated by General Foster to the Members of the International Joint High Commission.)

		PAGE
GENERAL FOSTER'S MEMORANDUM		1–7

APPENDIX I.

CORRESPONDENCE RELATING TO THE NEGOTIATIONS OF THE ANGLO-RUSSIAN TREATY OF FEBRUARY 16 (28), 1825.

The Marquis of Londonderry to Count Lieven	Jan. 18, 1822	8
The Marquis of Londonderry to Sir C. Bagot	Jan. 19, 1822	9
Mr. S. Canning to the Marquis of Londonderry	Feb. 19, 1822	9
Hudson Bay Company to the Marquis of Londonderry	March 27, 1822	9–10
Earl Bathurst to the Duke of Wellington	Sept. 14, 1822	10
Memorandum		10
Memorandum by the Duke of Wellington	Sept. 11, 1822	10–11
Hudson Bay Company to Mr. G. Canning	Sept. 25, 1822	11–12
Mr. G. Canning to the Duke of Wellington	Sept. 27, 1822	12–13
The Duke of Wellington to Mr. G. Canning	Nov. 28, 1822	13
Memorandum enclosed in forgeoing	Oct. 17, 1822	13–14
Mémoire Confidentiel, and translation	Nov. 11 (23), 1822	14–16
The Duke of Wellington to Count Lieven	Nov. 28, 1822	16
The Duke of Wellington to Mr. G. Canning	Nov. 29, 1822	16
Baron Tuyll to Count Nesselrode, and translation	Oct. 21 (Nov. 2), 1822	17
Count Lieven to Mr. G. Canning, and translation	Jan. 19 (31), 1823	17–18
Mr. G. Canning to Sir C. Bagot	Feb. 5, 1823	18
Mr. G. Canning to Sir C. Bagot	Feb. 25, 1823	18
Sir C. Bagot to Mr. G. Canning	Feb. 10 (22), 1823	18–19
Shipowners' Society to Mr. G. Canning	June 11, 1823	19
Mr. S. Canning to Mr. G. Canning	May 3, 1823	19–20
Memorandum to be delivered to Mr. Lyall, chairman of the Shipowners' Society	June 27, 1823	20
Mr. G. Canning to Sir C. Bagot	July 12, 1823	20–21
Count Nesselrode to Count Lieven, and translation	June 26, 1823	21–22
Mr. G. Canning to Sir C. Bagot	Aug. 20, 1823	22
Sir C. Bagot to Mr. G. Canning	Aug. 19 (31), 1823	22–24
Count Nesselrode to Mr. Middleton, and translation	Aug. 1, 1822	24–25
Sir C. Bagot to Mr. G. Canning	Oct. 17 (29), 1823	25–26
Full Powers to Mr. Middleton	July 29, 1823	26–27
Count Nesselrode to Sir C. Bagot, and translation	Aug. 22, 1823	27
M. Poletica to Count Nesselrode, and translation	Nov. 3, 1823	27–33
Shipowners' Society to Mr. G. Canning	Nov. 19, 1823	33
Mr. G. Canning to Count Lieven	Nov. 25, 1823	33
Count Lieven to Mr. G. Canning, and translation	Nov. 26, 1823	33–34
Foreign Office to Shipowners' Society	Nov. 26, 1823	34
Mr. G. Canning to Sir C. Bagot	Jan. 15, 1824	34–37
Hudson Bay Company to Mr. G. Canning	Jan. 8, 1824	37–38
Memorial relating to the North-West Coast of America		38–39
Mr. Enderby to Board of Trade	Feb. 7, 1824	39
Sir C. Bagot to Mr. G. Canning	March 17 (29), 1824	39–41
Counterdraft by Russian Plenipotentiaries, and translation	Feb. 12 (24), 1824	41–42
Amended proposal by Sir C. Bagot, and translation		42–43
Observations of Russian Plenipotentiaries on Sir C. Bagot's amended proposal, and translation	Feb. 24 (March 7), 1824	43–45
Reply by Sir C. Bagot to observations of Russian Plenipotentiaries, and translation		45–47
Final decision of Russian Plenipotentiaries, and translation	March 17 (29), 1824	47–48
Memorandum and translation	March 12, 1824	48

		PAGE
Count Nesselrode to Count Lieven, and translation	April 17, 1824	49-52
Mr. G. Canning to Sir C. Bagot...	April 24, 1824	52
Mr. G. Canning to Count Lieven	May 29, 1824	52
Count Lieven to Count Nesselrode, and translation ...	May 20 (June 1), 1824	53-55
Count Lieven to Count Nesselrode, and translation ...	May 21 (June 2), 1824	55
Mr. G. Canning to Sir C. Bagot...	May 29, 1824	55
Mr. G. Canning to Sir C. Bagot..	July 12, 1824	55-56
Enclosure in foregoing Draft Convention, and translation		56-59
Mr. G. Canning to Sir C. Bagot...	July 24, 1824	59
Memorandum from Count Lieven on the North-West Coast Convention, and translation		59-60
Count Lieven to Count Nesselrode, and translation	July 13 (25), 1824	60-61
Mr. Addington to Mr. G. Canning	Aug. 2, 1824	61
Sir C. Bagot to Mr. G. Canning...	Aug. 12, 1824	62-63
Enclosure in foregoing. Counter draft of the Russian Plenipotentiaries, and translation		63-66
Count Nesselrode to Count Lieven, and translation	Aug. 31, 1824	66-71
Explanations with regard to Contre projet, and translation		71-73
Mr. G. Canning to Count Lieven	Sept. 12, 1824	73
Count Lieven to Count Nesselrode, and translation...	Sept. 19 (Oct. 1), 1824	73
Mr. G. Canning to Mr. Ward	Sept. 13, 1824	73-74
Mr. G. Canning to Mr. S. Canning	Dec. 8, 1824	74-76
Mr. S. Canning to Mr. G. Canning	Feb. 1 (13), 1825	76-77
Contre projet submitted by Mr. S. Canning, and translation	Feb. 1 (13), 1825	77-80
Mr. S. Canning's Contre projet as altered and corrected by Matusevich, and translation		80-83
Mr. G. Canning to Mr. S. Canning	March 15, 1825	84
Mr. S. Canning to Mr. G. Canning	Feb. 17 (March 1), 1825	84
Count Nesselrode to Count Lieven, and translation ...	Feb. 20 (March 3), 1825	84-85
Count Nesselrode to Count Lieven, and translation	March 13, 1825	85-86
Mr. S. Canning to Mr. G. Canning	April 3 (15), 1825	86-87
Count Lieven to Count Nesselrode, and translation	May 8 (20), 1825	87-88

APPENDIX II.

Convention between Russia and the United States	April 5 (17), 1824	89-91
Convention between Great Britain and Russia	Feb. 16 (28), 1825	91-94
Treaty between Russia and the United States concerning the Cession of Alaska	March 18 (30), 1867	94-97

APPENDIX III.

TERMINATION OF UNITED STATES PRIVILEGES IN RUSSIAN AMERICAN TERRITORY.

Baron Krudener to Mr. Dickins	May 19 (31), 1835	98
Extracts from the "Globe" Newspaper	July 23, 1835	98-99
Mr. Dallas to Mr. Forsyth	May 13, 1838	99
Count Nesselrode to Mr. Dallas	April 27, 1838	99-100

APPENDIX IV.

THE HUDSON BAY COMPANY AND ITS RELATION TO THE RUSSIAN-AMERICAN TERRITORY		101-103
Minutes of Evidence taken before the Select Committee on the Hudson Bay Company	Feb. 26 and March 2, 1857	101-102
Copy of a Letter from the Governor of the Hudson's Bay Company to Lord Stanley	June 8, 1842	102-103
Extract from the Royal Charter for incorporating the Hudson's Bay Company		103

APPENDIX V.

FROM THE CANADIAN SESSIONAL PAPERS, 1874.

Report of J. S. Dennis, Surveyor General	Feb. 17, 1874	104-105
Case of Peter Martin	June, 1877	105-106

		PAGE
Extract from the Journal of the Royal Geographical Society		105
Extract from Letter of Mr. Justice Gray, of Victoria, British Columbia, dated October 16, 1876, addressed to the Hon. Alexander Mackenzie		105
The Earl of Carnarvon to the Earl of Dufferin	Aug. 16, 1877	106

APPENDIX VI.

OCCUPATION BY THE UNITED STATES OF THE LISIÈRE		107–109
The Secretary of War to the Secretary of State	Sept. 14, 1898	107
The Secretary of the Treasury to the Secretary of State	Sept. 15, 1898	107
The Secretary of the Interior to the Secretary of State	Sept. 16, 1898	107–108
Commissioner W. T. Harris to the Secretary of the Interior ...	Sept. 15, 1898	108
General Agent Sheldon Jackson to Secretary of State	Sept 15, 1898	108–109
Report on the Portland Canal		109
Act of Congress of March 3, 1898, relating to Annette Island		109

VIEWS OF THE UNITED STATES' COMMISSIONERS ON THE ALASKA BOUNDARY, AS DEFINED BY THE TREATY OF 1825.

(Communicated by General Foster to the Members of the International Joint High Commission assembled at Quebec, August 1898.)

IN view of the position assumed by the British Commissioners respecting the territory on the south-east coast of Alaska between 54° 40′ north latitude and Mount St. Elias, it has been deemed necessary to make a more precise statement of the views of the Commissioners of the United States on this subject.

It is maintained by the latter that the Treaty of 1825 between Russia and Great Britain, which delimits the territory in question, is sufficiently explicit in its terms to determine with accuracy the southern line of boundary, and that the eastern line may likewise be determined and marked by the Joint High Commission, with the aid of the recent surveys made by the Joint Commission created by the Convention of the 22nd July, 1892.

The Commissioners on the part of the United States hold that by the terms of the Treaty of 1825, the south line of boundary, starting from the southernmost point of Prince of Wales Island, passes thence to the mouth of the Portland Channel or Canal, and northerly up that channel and the mainland to the 56° of latitude; and that the eastern boundary-line of the strip of territory or "lisière,"* on the mainland or continent follows the crests of the mountains (but never more than 10 marine leagues from the coast), along the sinuosities of the coast, and always on the mainland till it reaches the 141° of longitude in the vicinity of Mount St. Elias.

While the United States' Commissioners maintain that no other construction can be given to the language of the Treaty, they maintain, further, that the negotiations which led up to the Treaty, and all the subsequent history relating to that territory, confirm the foregoing as the proper and only interpretation of that instrument.

The Negotiations.

The circumstance which initiated the negotiations resulting in the Treaty of 1825 was the promulgation, 4th September, 1821, by the Emperor of Russia of an Imperial Ukase, directing the exercise of jurisdiction, for the protection of Russian trade and commerce, over the Pacific Ocean 100 miles from the coasts of North America to the south as far as the 51° of north latitude, and from the coast of Asia to the 45° of latitude. On the 18th January, 1822 (Appendix 1, p. 8†), the British Secretary for Foreign Affairs addressed a note to the Russian Ambassador in London, protesting against the Ukase as unwarranted in the extent of its claim to the exercise of jurisdiction on the high sea, and expressing doubt as to the correctness of its territorial claim on the coast of North America. This step was followed by an effort on the part of the British Plenipotentiary at the Congress of Verona, the Duke of Wellington, October and November 1822 (p. 13), to secure a retraction of both the claim to jurisdiction as to 100 miles from the coast of the Pacific Ocean and of exclusive sovereignty of the coast to the 51° of latitude. The Russian Plenipotentiary manifested a disposition to satisfy the demands of Great Britain as to the ocean jurisdiction, and indicated that the territorial claim would not be pushed further south than the 55° of latitude, that being the limit fixed in the charter of the Russian-American Company by the Ukase of the Emperor Paul in 1799 (p. 15). It was, however, agreed that the negotiations should be adjourned to London or St. Petersburgh (p. 16).

* The term "lisière," as it occurs in Article IV and elsewhere in the Treaty of 1825, was referred to in the oral argument before the Fur-seal Arbitration at Paris. The following remarks are taken from the argument of Sir Richard Webster ("Fur-seal Arbitration Papers," vol. 13, p. 450):—

"*Mr. Justice Harlan.*—What are the English words in Article VI corresponding to 'lisière'?

"*Sir Richard Webster.*—I will read it:

"*May cross the line of demarcation upon the line of coast.*

"The expression 'line of coast' is not the proper translation—it ought to be 'strip of coast.' 'Strip' is the correct translation of 'lisière,' if I may be permitted to say so, Mr. President, and no doubt if I am wrong you will correct me. 'Lisière' is 'selvage'—'strip'—like the edge of cloth—'border.'"

† All page references are to the Appendices accompanying this paper, unless otherwise stated.

Under date the 5th February, 1823 (p. 18), the British Secretary for Foreign Affairs, Mr. George Canning, sent instructions to the British Ambassador in St. Petersburgh, Sir Charles Bagot, to open negotiations on the subject of the Ukase of the 4th September, 1823. Meanwhile the Government of the United States had received notice of the Ukase (p. 8), and, having likewise protested against it, instructed its Minister in St. Petersburgh to open negotiations on the same subject (pp. 19, 25). Sir C. Bagot was directed to unite with the American Minister, Mr. Middleton, in the negotiations with the Russian Government (pp. 20, 21); but when it was later ascertained that the United States might, on its part, advance some claim to the territory above the 51°, Sir C. Bagot was instructed by Mr. George Canning, 15th January, 1824 (p. 34), to discontinue his joint negotiations with the American Minister, and thenceforward the British negotiations were entirely independent of those on the part of the United States.

First Negotiations.

Soon after the receipt of Secretary Canning's instructions of the 15th January, 1824, Sir C. Bagot set on foot and pressed his negotiations to a definite issue, as is shown by his despatch to Secretary Canning of the 17th March, 1824 (p. 39). The Russian Government, having practically agreed in 1822 that the jurisdiction over the high sea claimed in the Ukase of 1821 would not be enforced, the territorial question was to be adjusted with a view to enabling the Russian Government to withdraw the Ukase with as little loss of pride as possible (pp. 20, 76); and hence the negotiations of February and March were confined to the question of the boundary to be fixed between the Russian and British possessions on the north-west coast of North America, and mainly to the determination of one point, viz., the boundary-line of latitude on the coast.

Sir C. Bagot presented to the Russian Plenipotentiaries successively three distinct propositions. The first of these, verbally made, as stated in his despatch, was "a line drawn through Chatham Strait to the head of Lynn Canal, thence north-west to the 140° of longitude." This was practically the line which had been suggested by Secretary Canning (p. 20), and in the informal Conferences during the joint negotiations with the United States had been indicated by Sir C. Bagot (p. 25), except that the present proposal included Sitka in Russian territory.

The Russian Plenipotentiaries declined to accept this proposal, and at the request of Sir C. Bagot submitted in writing a counter-proposal (p. 41), which was in effect the same as suggested by Count Nesselrode at Verona (p. 13) and by Baron Tuyll in October 1822 (p. 17). This counter-proposal indicated latitude 55° as the proper boundary, basing the claim on the Ukase of Paul of 1799; but "as the parallel of 55° cuts the southern extremity of Prince of Wales Island," the Plenipotentiaries suggested that the southernmost extremities be fixed as the boundary of Russian territory, and, they add, "to complete the line of demarcation and render it as distinct as possible, the Plenipotentiaries of Russia have expressed the desire to make it follow Portland Channel up to the mountains which border the coast" (p. 41). This line of the southern boundary of Russia, so distinctly indicated, was never varied from, but consistently maintained throughout all the subsequent negotiations by Russia.

After this specific proposition, Sir C. Bagot modified his first proposal by offering to accept "a line traced from the west toward the east along the middle of the channel which separates Prince of Wales and Duke of York Islands from all the islands situated to the north of the said islands until it touches the mainland" (p. 42).

In opposition to this (second proposal), the Russian Plenipotentiaries submitted a paper of some length sustaining the expediency and justice of their proposition to fix "as limits upon the coast of the continent, to the south, Portland Channel" (p. 43). Sir C. Bagot replied to this paper in a Memorandum of equal length by way of a refutation of the Russian observations, and concluded by submitting a third and final proposal, viz., "a line drawn from the southern extremity of the strait called 'Duke of Clarence Sound' through the middle of this strait to the middle of the strait which separates Prince of Wales and Duke of York Islands from all the islands lying north of those islands, thence toward the east through the middle of the same strait to the mainland" (p. 45).* In submitting this proposal Sir C. Bagot "gave it clearly to be understood that it contained his ultimate proposition" (p. 39).

This (third) proposal was laid before the Emperor, and within ten days the Russian Plenipotentiaries, under his orders, communicated "their final decision, and that they must continue to insist upon the demarcation as described by them in the first paper" (pp. 39, 47). Thereupon Sir C. Bagot stated to the Russian Plenipotentiaries "that I was sorry to say that I must now consider our negotiations as necessarily suspended, so far at least as the question of territorial demarcation was concerned" (p. 39); to which they replied: "His Imperial Majesty regrets to see them (the negotiations) terminated at the present time, but he is pleased to believe that the final decision of the London Cabinet will prevent these discussions from being barren of result" (p. 48).

It thus appears that the main point under discussion in this first negotiation was the attempt to agree upon the southern boundary of the Russian possessions, and that the territory in dispute was that lying in a triangle marked by the Duke of Clarence Strait, the Portland Channel, and a point on the mainland about latitude 56°. This is made perfectly clear by the note of Count Nesselrode of the 5th (17th) May, 1824, the chief Russian negotiator, to Count Lieven, Russian

* It will be noted that this is substantially the same line as that indicated on the new map laid before the Joint High Commission by the British Commissioners.

Ambassador in London (p. 50), a copy of which was delivered to the British Government (p. 52). Attention is called to the following language in that note: "Russia cannot stretch her concessions further. She will make no others, and she is authorized to expect some concessions on the part of England" (p. 51).

Second Negotiations.

The expectations of Russia were not to be dissappointed, for in the month following Secretary Canning informed Count Lieven that Sir C. Bagot would be instructed "to admit, with certain qualifications, the terms last proposed by the Russian Government." The qualifications related not to the southern boundary, but to the "lisière," to the boundary near Mount St. Elias, and to the free use of the rivers, straits, and waters (p. 52). In his instruction to Sir C. Bagot, Secretary Canning said: "Her Majesty's Government have resolved to authorize your Excellency to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation a line drawn from the southernmost point of Prince of Wales Island from south to north through Portland Channel, till it strikes the mainland in latitude 56°" (p. 56). Henceforward the subject of the southern boundary disappears from the negotiations, the claim of Russia to the line to and along the Portland Channel being granted. Secretary Canning informs Sir C. Bagot: "There are two points which are left to be settled by your Excellency: 1st, the eastern boundary of the strip of land to be occupied by Russia on the coast," and, 2nd, the right of resorting to the territory and waters conceded to Russia (p. 56).

The second negotiation appears to have been confined mainly to a discussion of this second point. Sir C. Bagot, in again reporting the suspension of negotiations (p. 62), says: "There are three points upon which the differences appear to be almost, if not altogether, irreconcilable." The first two points were the opening for ever to the commerce of British subjects of Novo Archangelsk (Sitka) and the coast of the "lisière," and, third, privilege to visit for a term of years the other parts of Russian America. See also the Russian statement of the differences (p. 69). The Russian Plenipotentiaries were willing to grant the privileges described in the first two points for a period of ten years, but refused to permit any foreign commercial intercourse with its territory north of latitude 59° or 60° (pp. 62, 69). Secretary Canning, having failed in this second attempt to reach an agreement at St. Petersburgh, proposed to transfer the negotiations to London (p. 73); but in the interim Mr. Stratford Canning returned from his mission at Washington, and he was sent as a Plenipotentiary to St. Petersburgh, entrusted with the task which his predecessor had failed to accomplish.

Third Negotiations.

The instructions to Mr. S. Canning, contained in Secretary Canning's despatch of the 8th December, 1824 (p. 74), authorize him to accede to the Russian proposition to admit British commerce to the port of Sitka and the territorial waters of the "lisière" for a period of ten years, in the terms fixed in the Russian-American Treaty (p. 76) which had already been concluded. This left only the eastern boundary of the "lisière" to be definitely fixed. The instruction to Mr. S. Canning on this point was to fix the line at "the summit of the mountains which run parallel to the coast," with the condition that the line should not extend beyond 10 leagues from the coast (p. 76). The Russian Plenipotentiaries desired, first, to make the "lisière" 10 leagues wide throughout the whole extent, and finally, to make the summit of the mountains the invariable line without any restriction as to width; but they finally yielded to the British proposition (pp. 84, 86). With this last point adjusted, the negotiations which had extended through three years were brought to a close by the signature of the Treaty of the 16th (28th) February, 1825.

The foregoing review, divided in three stages, developed three points of difference, viz., (1) the southern boundary; (2) the course and limit of the "lisière"; and (3) the period and extent of use of the disputed territory by British subjects. The first two are the only ones which have given rise to discussion on the Joint High Commission.

The Portland Channel.

The American Commissioners hold, as stated, that under the terms of the Treaty of 1825 the southern boundary must be drawn from the southernmost point of Prince of Wales Island along the line of 54° 40′ to the mouth of the Portland Channel, and thence along that channel and mainland to the 56° latitude.

1. No other line can be drawn unless it can be shown that some other channel was known at the time of the negotiations as Portland Channel.

2. No other such body of water was ever described by navigators or existed on any map. The Portland Channel as it now appears on the British Admiralty charts and United States' official maps was named, surveyed, and charted about 1794 by Vancouver, and all maps of the region (as far as known) up to the negotiation of the Treaty of 1825 followed his designation and location.

3. The negotiators of the Treaty on both sides were fully conversant with the geographical locations on the coast; although respecting the interior of the mainland accurate geographical

knowledge did not then exist.* The documents relating to the negotiations show they were in intimate relation with the Companies competing for the control and trade of the region in dispute —the Russian-American Company on the one side, and the Hudson Bay and North-west Companies on the other (pp. 9, 11, 12, 30, 34, 52); and they had in their possession, and consulted, the best and latest maps of the region (pp. 23, 25, 34, 47, 69).

4. The negotiators were accurately informed as to the location of Portland Channel. Baron Tuyll, in advising Count Nesselrode as to the line which should be adopted in the south, fixes it "at the southern point of the Archipelago of Prince of Wales and the Observatory Inlet (a branch of Portland Channel), which are situated almost under that parallel" (55°) (p. 17). Sir C. Bagot, in referring to the proposition of the Russian Plenipotentiaries, said of it: "A line of demarcation drawn from the southern extremity of Prince of Wales Island to the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland, thence to the mountains bordering the coast would deprive Her Britannic Majesty of sovereignty . . . . over all the inlets and small bays lying between latitudes 56° and 54° 45′" (p. 43). Count Nesselrode, in reporting to Count Lieven the first negotiations with Sir C. Bagot, wrote: "In order not to cut Prince of Wales Island, which, according to this arrangement, would remain to Russia, we proposed to carry the southern frontier of our domains to latitude 54° 40′, and to make it abut upon the continent at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales Island, and which has its origin inland between 55° and 56° of latitude" (p. 50).

5. The negotiators understood that the line was to be drawn from the southern extremity of Prince of Wales Island to the mouth of and up the Portland Channel, and not up the Duke of Clarence Strait. Sir C. Bagot, as already noticed, proposed to run the divisory line "from the southern extremity of the strait called 'Duke of Clarence Sound' through the middle of this strait" to the coast of the mainland at the latitude of 56° north (p. 46). In writing to Secretary Canning he stated that his object in making this proposition was "to preserve uninterrupted our access to the Pacific Ocean, and secure to His Majesty the 56th degree of north latitude as the British boundary on the coast" (p. 41). His language quoted in paragraph 4 shows that he proposed the line of Clarence Strait because the line to and up the Portland Channel, as proposed by the Russian Plenipotentiaries, would deprive Great Britain of sovereignty over the mainland and "over all the inlets and small bays lying between latitudes 56° and 54° 40′." The quotation already made from Count Nesselrode shows that his proposition was to make the southern boundary "abut upon the continent at the Portland Canal, of which the opening into the ocean is at the same latitude as Prince of Wales Island." He proceeds: "After some discussion the last counter-propositions of Sir Charles Bagot were to include all of Prince of Wales Island within the Russian territory, but to stipulate that our boundary line, on leaving this island, should follow the pass called Duke of Clarence Sound, and should not strike the coast until above 55° north latitude.

"This difference, if regarded on the map, would appear insignificant at the first glance. It is, nevertheless, so essential to us that it is absolutely impossible for us to accept the plan of demarcation traced by the Plenipotentiary of His Britannic Majesty" (p. 51).

As has been shown, the proposition of Russia making the Portland Channel the boundary was formally agreed to by Great Britain, and in all the subsequent correspondence and negotiations it is taken for granted as the southern boundary. (See the four Projets of Treaty submitted later (pp. 56, 64, 79, 82); Sir C. Bagot, p. 62; and Count Nesselrode, p. 71).

6. All the English and Russian maps issued immediately and continuously for many years after the Treaty was negotiated indicate the Portland Channel, or Canal, as the southern boundary of the Russian possessions on the mainland. Reference to some of these will be made hereafter.

The "Lisière."

Next to the fixation of the southern boundary, which marked in that direction the Russian possessions on the continent, the subject which created the most discussion with the negotiators was the extent towards the east which this territory should have. It is apparent from the documents that two conflicting interests had to be met and reconciled: first, the Russian-American Company, which by Imperial Charter had been granted powers both of government and exclusive trade in Russian America, had at the time of the negotiations occupied the islands along the North American continent as far as about latitude 57°, and had established a trade in hunting and fishing several degrees further south (pp. 41, 50); on the other hand, the Hudson Bay and the North-west Companies (British) had established posts in the interior of the continent east of the Rocky Mountains and along the Mackenzie River, and were pushing their trade towards the Pacific Ocean; but from the statement of the Hudson Bay Company to Secretary Canning, dated the 25th September, 1822, it appears that the nearest post of that Company to the Pacific Ocean north of latitude 54° was on Fraser Lake, at least 120 miles east of the nearest tide-water.

The Representatives of the respective Governments were throughout the negotiations

* The following names of locations, places, or parts of the territory in dispute are mentioned in the papers relating to the negotiations:—

Mount St. Elias, Cross Sound, Lynn Channel (or Harbour), Chatham Strait, Norfolk Sound, Norfolk Island, Cook's Inlet, Admiralty Island, Novo Archangisk and Sitka, King George's Archipelago, King George's Island, Stephen's Passage, Duke of York Island, Duke of Clarence Sound (or Strait), Prince of Wales Island, Portland Channel (or Canal), Observatory Inlet.

keenly alive to the interests of the Companies above mentioned, and were seeking to acquire for them as much territory on the mainland as possible. In Baron Tuyll's letter to Count Nesselrode is found the earliest Russian suggestion "to make all possible attempts" in favour of their Company by securing a boundary on the continent as far south as possible, which he said should be at least at 55°, as "any nearer neighbourhood of the English establishments could not fail to be injurious to that of" Sitka (p. 17). When the negotiations were about to be entered upon, M. Poletica communicated and approved the views of the Russian-American Company, which, in fixing the boundaries on the continent, "had mainly in view the establishment of a barrier, at which would be stopped, once for all, to the north and to the west of the coast allotted to our American Company, the encroachments of the English agents of the amalgamated Hudson Bay and North-west English Company (p. 30).

At the same time the Hudson Bay Company was pressing upon its Government its claim to open access to the ocean, as is seen by reference to the communication to Secretary Canning above cited, a claim which the latter brought to the attention of the Duke of Wellington, in view of the negotiations to be opened at Verona. Sir C. Bagot, in enumerating the chief objects to be attained by the negotiations he was carrying on, specially states "they were to secure the embouchures of such rivers as might afford an outlet for our fur trade into the Pacific" (p. 40). And in presenting the line of Clarence Strait in substitution of the Russian line along the Portland Channel he states his object was to "preserve uninterrupted our access to the Pacific Ocean" (p. 40). And in further explanation he says the line of the Portland Channel "would deprive His Britannic Majesty of sovereignty over all the inlets and small bays lying between latitudes 56° and 54° 45′. . . . of essential importance to its (Hudson Bay's) commerce" (p. 43).

The Russian Plenipotentiaries, in answer to these reasons, stated in effect that the object of proposing the line indicated by them was to reserve the coast of the mainland for the operations of their own Company, and to exclude its competitors (p. 42). The situation was described by Count Nesselrode to Count Lieven in the following terse and frank language: "Thus, we wish to keep, and the English Companies wish to obtain" (p. 51).

In further explanation he said:—

"If Prince of Wales Island remains to us, it is necessary that it can be of some utility to us. Now, according to the plan of the British Ambassador, it would be for us only a burden, and, perhaps, an inconvenient one. That island, in fact, and the establishments which we might set up thereon, would find themselves entirely isolated, deprived of all support, surrounded by the domains of Great Britain, and at the mercy of the English establishments of the coast. We would exhaust ourselves in the cost of guarding and watching our part, without any compensation to alleviate the burden."

And in this connection he made the positive declaration already quoted: "Russia cannot stretch her concessions further. She will make no others" (p. 51).

It thus appears that the Russian Government was determined that a strip of territory should be secured on the coast for the purpose of protecting the trade of the Russian-American Company and of excluding its competitors, and it has been shown that, so far as the coast from 54° 40′ to 56° is concerned, this was conceded by Great Britain. It has also been seen that the eastern boundary was fixed as prescribed in the Treaty, after an ineffectual attempt on the part of Russia to make the summit of the mountains the unvarying line.*

This line is to "follow the summit of the mountains situated parallel to the coast" (Article III); but when more than 10 leagues from the coast, the boundary "shall be formed by a line parallel to the windings (English Foreign Office translation far 'sinuosités') of the coast" (Article IV). The maps of that period indicate a continuous line or chain of mountains following the coast around Lynn Canal and up to Mount St. Elias; and the documents relating to the negotiations show that it was the belief of the Plenipotentiaries that such a chain of mountains existed, and that it would be found about 10 leagues from the coast. Secretary Canning thus describes this line:—

"The summit of the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosities" (p. 75).

And the word "sinuosities" is the term used by him elsewhere in describing the course of the mountains around the inlets of the coast" (p. 56).

It is plain that the Russian negotiators understood that Articles III and IV gave to Russia a continuous strip of territory ("lisière") around all the bays and inlets of the ocean up to longitude 141°. This is confirmed by Articles VI and VII, by the first of which the right of free navigation is given to British subjects of "all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the strip ('lisière') of coast;" and by the second, the privilege is given British subjects for a period of ten years to frequent, for the purposes of fishing and trading, "all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III." These grants are inconsistent with any other theory than the complete sovereignty of Russia over, not only the "lisière" on the mainland, but also of the waters of all bays or inlets extending from the ocean into the mainland. This is the more manifest when the facts attending the Russian-American Treaty of 1824 are recalled. It was more than once stated during the British negotiations that the same privileges granted by Article IV of the American Treaty as to visiting the interior waters on the Russian-American coast would be granted to British subjects. The privilege was limited by the American Treaty to ten years, and

* It is interesting to note that, while the British Government was very strenuous in requiring the eastern limit of the "lisière" to be kept within 10 leagues of the coast, Secretary Canning, in his first instruction to Sir C. Bagot, said it would be expedient to assign "a limit, say, of 50 or 100 miles from the coast beyond which the Russian posts should not be extended to the eastward" (p. 37).

at the expiration of that term notice was given to the Government of the United States by the Russian Minister in Washington that the privilege had expired (p. 98), and a notification to that effect was made in the public press of the United States (p. 98). The year following the notification an American vessel was seized for visiting the waters in question, and a lengthy diplomatic correspondence ensued, in which the Government of the United States sought to have the privilege extended for another period of ten years, but it was refused, and no satisfaction was given for the seizure of the vessel (pp. 99, 101).

Other facts attending the history of the Treaty subsequent to its execution are in strong corroboration of the contention that Portland Channel constituted the southern boundary of the Russian territory, and that the "lisière" follows around the inlets or indentations of the coast. Soon after the conclusion of the Treaty an official map of North America was prepared by the Russian Government and published in 1827. In this map the boundary line of the Russian territory in America begins at the southernmost extremity of Prince of Wales Island, proceeds thence to the mouth of Portland Channel, up that Channel and the mainland to 56° of latitude, and thence at a distance of about ten leagues from the coast, following its sinuosities, around Lynn Canal to Mount St. Elias. The original of this map will be produced to the Joint High Commission.

The Hudson Bay Company.

On the British side there is equally strong official authority of a similar character to support the contention of the American Commissioners. It has been shown that the British negotiators of the Treaty of 1825 were influenced almost entirely in their negotiations by the wishes and interests of the Hudson Bay Company. The representatives of that Company were in constant communication with Secretary Canning by personal interviews and by letters (pp. 11, 12, 18, 34, 37); the boundary line which they recommended was accepted and urged by the British Government (pp. 37, 38); and when negotiations were broken off they were not resumed till this Company was heard from and its views were again adopted and pressed (p. 52).

In 1857 an investigation was had of the affairs of the Hudson Bay Company by a Select Committee of the British House of Commons, and a lengthy printed report of its proceedings was published. From that Report it appears that at the time of the negotiation of the Treaty of 1825, and for many years thereafter, this Company possessed all the powers of government in British territory in the vast extent of the north-western part of America, both executive and judicial, and was in fact the only British authority in that region (see Report, Appendix IV, pp. 101, 102, 103). The Governor of the Company and of the territory, Sir George Simpson, was examined before the Select Committee, and testified that he had been Governor for thirty-seven years and hence held that position at the time of the negotiations. He says he was familiar with the disputed territory on the north-west coast, having travelled over it in the course of his duties as Governor (p. 101); and he stated that about the year 1839 his Company made an arrangement with the Russian-American Company by which the former leased the "lisière" described in the negotiations and Treaty. On this point his testimony is as follows (p. 102):—

"1026. Besides your own territory, I think you administer a portion of the territory which belongs to Russia, under some arrangement with the Russian Company?—There is a margin of coast, marked yellow in the map, from 54° 40′ up to Cross Sound which we have rented from the Russian-American Company for a term of years.

"1027. Is that the whole of that strip?—The strip goes on to Mount St. Elias.

"1028. Where does it begin?—Near Fort Simpson, in latitude 54°; it runs up to Mount St. Elias, which is farther north.

"1029. Is it the whole of that strip which is included between the British territory and the sea?—We have only rented the part between Fort Simpson and Cross Sound.

"1030. What is the date of that arrangement?—That arrangement, I think, was entered into about 1839.

"1031. What are the terms upon which it was made; do you pay a rent for that land?—The British territory runs along inland from the coast about thirty miles; the Russian territory runs along the coast; we have the right of navigation through the rivers to hunt the interior country. A misunderstanding existed upon that point in the first instance; we were about to establish a post upon one of the rivers, which led to very serious difficulties between the Russian-American Company and ourselves. We had a long correspondence, and to guard against the recurrence of these difficulties it was agreed that we should lease this margin of coast and pay them a rent. The rent was, in the first instance, in otters. I think we gave 2,000 otters a-year it is now converted into money. We give, I think, 1,500*l.* a-year."

On a subsequent day Sir George Simpson was recalled and said (p. 102):—

"1732. *Chairman.* I think you made an arrangement with the Russian Company by which you hold under lease a portion of their territory?—Yes.

"1733. I believe that arrangement is that you hold that strip of country which intervenes between your territory and the sea, and that you give them 1,500*l.* a-year for it?—Yes.

"1734. What were your objects in making that arrangement?—To prevent difficulties existing between the Russians and ourselves, as a peace offering.

"1735. What was the nature of those difficulties?—We were desirous of passing through their territory, which is inland from the coast about 30 miles. There is a margin of 30 miles of coast belonging to the Russians. We had the right of navigating the rivers falling into the

ocean, and of settling the interior country. Difficulties arose between us in regard to the trade of the country, and to remove all those difficulties we agreed to give them an annual allowance: I think, in the first instance, 2,000 otter skins, and afterwards of 1,500*l.* a-year.

"1739. During the late war which existed between Russia and England, I believe that some arrangement was made between you and the Russians by which you agreed not to molest one another?—Yes, such an arrangement was made.

"1739. By the two Companies?—Yes, and Government confirmed the arrangement.

"1740. You agreed that on neither side should there be any molestation or interference with the trade of the different parties?—Yes.

"1741. And I believed that that was strictly observed during the whole war?—Yes.

"1742. *Mr. Bell.* Which Government confirmed the arrangement—the Russian or the English, or both?—Both Governments."

It thus appears that the rights of the Russian Government and its Representative, the Russian-American Company, were recognized in this formal manner as to the "lisière" and the map to which Sir G. Simpson refers as describing the area of the Russian territory in question is appended to the Report of the Committee, and is the one of which a copy has been exhibited to the Joint High Commission. It describes the boundary in exact conformity with the contention of the United States' Commissioners. It is incredible that a British authority would at that period formally recognize the right of Russia to this territory, or that Sir G. Simpson would so accurately describe it, if any question had existed at that day as to the meaning of the Treaty of 1825.

Canadian Recognition.

It will be shown that all the official Canadian maps for many years after the Treaty delimit the "lisière" in accordance with the American view. In the Sessional Papers published by the Canadian Government will be found various documents and acts tending to show that the territory in question belonged to the United States; for instance, in 1874 the Surveyor-General of the Dominion, in a communication to the Minister of the Interior, indicated that Portland Canal was on the boundary line, and that this line was carried up and around Lynn Canal (p. 104); a statement of the Royal Geographical Society is inserted in the Sessional Papers of a similar purport (p. 105); a judicial officer of British Columbia concedes that the territorial line crosses the Stikine River at least 15 miles above its mouth (p. 105); and the celebrated case of Peter Martin is an evidence of the recognition of the territorial authority of the United States in the same region by both the Governments of Canada and Great Britain (p. 105).

Occupation by the United States.

"Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not founded on actual occupation, and that title is, in the opinion of the most esteemed writers on public law, to be established only by practical use."—Secretary Canning to the Duke of Wellington (p. 12).

The foregoing incontestable principle of international law was based upon the opinion of Lord Stowell (British Case; Fur-seal Papers, Vol. IV, p. 376), and was constantly insisted upon by the British negotiators in framing the Treaty of 1825. The territory in question has been in the continued occupation of Russia and the United States from the date of the Treaty up to the present time—a period of seventy-three years. If we follow the principle insisted upon by Great Britain in its pending arbitration with Venezuela and recognized in the Treaty which provides for that arbitration, this uninterrupted possession would give the United States a just claim of sovereignty, even aside from the Treaty. Some of the acts evidencing the occupation and exercise of sovereignty on the part of Russia have already been cited. Those on the part of the United States are numerous and most conclusive. Upon the execution of the Treaty of Cession of 1867, United States' troops were dispatched to occupy the territory, and stations were established at various points, one of which was at Tongas, between latitudes 54° 40′ and 55°, just north of the Portland Channel. No map was attached to or accompanied the Treaty of 1867, but immediately after the signature of the Treaty an official map was prepared under the direction of the Secretary of State of the United States, indicating the territory ceded by Russia by that Treaty, which map has been laid before the Joint High Commission; and it has been seen that it conforms to the views of the United States' Commissioners respecting the boundary. Other acts of occupation and sovereignty on the part of the Government of the United States are cited in Appendix VI, such as the establishment of Customs offices in the "lisière," and the enforcement by revenue vessels of the revenue and other laws of the United States both on the mainland and on the waters of the inlets and arms of the sea as far as the head of navigation (p. 107); the establishment of Government and other schools and the control of the natives in the "lisière" (p. 107); the cruising of naval vessels in the interior waters just described to enforce order among the native Indian tribes (p. 108); the establishment of post-offices and post-roads in the territory in question (p. 109); and the setting apart by Act of Congress of certain portions of this territory for special uses, as in the case of Annette Island (p. 109).

It may be safely asserted that in no part of the territory claimed by the United States' Commissioners under the Treaty of 1825 has there been any occupation or exercise of sovereignty on the part of the authorities of Great Britain or the Dominion of Canada.

APPENDIX I.

CORRESPONDENCE RELATING TO THE NEGOTIATION OF THE ANGLO-RUSSIAN TREATY OF FEBRUARY 16 (28), 1825.

(*Note.*—The following documents are taken (1) from the British Case, Bering Sea Arbitration, Appendix Vol. II (see Fur-seal Arbitration Papers, Vol. IV, pp. 378–454), and (2) from the Russian Archives as furnished to the United States' Embassy in St. Petersburgh.)

No. 1.

The Marquis of Londonderry to Count Lieven.

Foreign Office, January 18, 1822.

THE Undersigned has the honour hereby to acknowledge the note, addressed to him by Baron de Nicolai of the 12th November last, covering a copy of an Ukase issued by His Imperial Majesty the Emperor of all the Russias, and bearing date the 4th September, 1821, for various purposes, therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto.

This document, containing regulations of great extent and importance, both in its territorial and maritime bearings, has been considered with the utmost attention, and with those favourable sentiments which His Majesty's Government always bear toward the acts of a State which His Majesty has the satisfaction to feel himself connected, by the most intimate ties of friendship and alliance; and having been referred for the report of those high legal authorities whose duty it is to advise His Majesty on such matters.

The Undersigned is directed, till such friendly explanations can take place between the two Governments as may obviate misunderstanding upon so delicate and important a point, to make such provisional protest against the enactments of the said Ukase as may fully serve to save the rights of His Majesty's Crown, and may protect the persons and properties of His Majesty's subjects from molestation in the exercise of their lawful callings in that quarter of the globe.

The Undersigned is commanded to acquaint Count Lieven that it being the King's constant desire to respect, and cause to be respected by his subjects in the fullest manner, the Emperor of Russia's just rights, His Majesty will be ready to enter into amicable explanations upon the interests affected by this instrument, in such manner as may be most acceptable to His Imperial Majesty.

In the meantime, upon the subject of this Ukase generally, and especially upon the two main principles of claim laid down therein, viz., an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, His Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts, and in those seas, can be deemed to be illicit, or that the ships of friendly Powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown in those vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles as therein laid down from the coast, the exclusive dominion of which is assumed (but, as His Majesty's Government conceive, in error) to belong to His Imperial Majesty the Emperor of all the Russias.

(Signed) LONDONDERRY.

No. 2.

The Marquis of Londonderry to Sir C. Bagot.

(No. 5.)

Sir, *Foreign Office, January* 19, 1822.

WITH reference to your Excellency's several despatches relative to the Ukase lately issued by the Emperor of Russia under date the 4th September last, for various purposes therein set forth, especially connected with the territorial rights of his Crown on the north-western coast of America, bordering upon the Pacific, and the commerce and navigation of His Imperial Majesty's subjects in the seas adjacent thereto, I have now the honour to inclose you a copy of a note which, by His Majesty's command, I have addressed to the Count de Lieven, the Russian Ambassador in London, upon this subject; I am to desire that in any communications which you may have with the Russian Government relative to this Ukase you will conform yourself to the tenor of the note herewith sent.

I am, &c.
(Signed) LONDONDERRY.

No. 3.

Mr. Stratford Canning to the Marquis of Londonderry.—(Received March 21.)

(No. 11.)

My Lord, *Washington, February* 19, 1822.

I WAS informed this morning by Mr. Adams that the Russian Envoy has, within the last few days, communicated officially to the American Government an Ukase of the Emperor of Russasi, which has lately appeared in the public prints, appropriating to the sovereignty and exclusive use of His Imperial Majesty the north-west coast of America down to the fifty-first parallel of latitude, together with a considerable portion of the opposite coasts of Asia and the neighbouring seas to the extent of 100 Italian miles from any part of the coasts and intervening islands so appropriated. In apprising me of this circumstance, Mr. Adams gave me to understand that it was not the intention of the American Cabinet to admit the claim thus notified on the part of Russia. His objection appears to lie more particularly against the exclusion of foreign vessels to so great a distance from the shore.

The note given in by M. de Poletica is confined, I believe, to a mere communication of the Emperor's Ukase, and of the periods at which it will begin to have force, viz., from the 1st March with respect to European vessels, and from the 1st July for vessels from this country.

Mr. Adams inquired whether I had heard from your Lordship on this head, and, on the supposition that a similar communication had in all probability been made by the Russian Ambassador in London, appeared desirous of learning the course which His Majesty's Government intended to adopt with reference to it. I could only reply by saying that I had not yet received any intimation from your Lordship on the subject.

I have, &c.
(Signed) STRATFORD CANNING.

No. 4.

Hudson Bay Company to the Marquis of Londonderry.—(Receive' March .)

My Lord, *Hudson Bay House, London, March* 27, 1822.

IT has fallen under the observation of the Governor and Committee of the Hudson Bay Company that the Russian Government have made a claim to the north-west coast of America, from Berings Straits to the 51st degree of north latitude; and in an Imperial Ukase have prohibited foreign vessels from approaching the coast within 100 miles, under penalty of confiscation. Likewise that the American Government are claiming a very considerable extent of country bordering on the Pacific Ocean; and that a Bill is in progress in the House of Representatives for settling the Columbia and forming it into a State of the Union.

In the report presented to the House on which this Bill is founded the Committee state that the title of the United States to the sovereignty of the territory from the 41st degree to the completion of the 53rd degree of north latitude is unquestionable; but that, in the opinion of the Committee, the American Government have a good claim as far as 60° north latitude.

I need not remind your Lordship that a large portion of that country was discovered by British navigators and taken possession of on behalf of Great Britain; nor of the affair of Nootka Sound, in 1789, in consequence of aggressions committed upon British subjects on that coast; but it may be necessary to state to your Lordship that the Americans had no trade with the natives until long after the British establishments had been formed in the country to the westward of the Rocky Mountains.

In the year 1792 Sir Alexander McKenzie, then a partner in the late North-west Company, explored from the interior the country west of the Rocky Mountains, and was the first who

penetrated to the Pacific Ocean. In the preceding year Captain Vancouver had surveyed the Columbia River from the mouth to the falls, 200 miles from the sea.

For above twenty years the British fur traders have had Settlements, and the Company have an establishment of 200 men on the Columbia River at this period, and large and valuable establishments to the northward.

It was not till the year 1806 that the Americans explored this country, when an expedition was fitted out under Captains Lewis and Clarke, who proceeded to the head of the Missisouric, thence across the Rocky Mountains to the River Columbia, and down it to the mouth, and returned by the same route. Soon after the return of these gentlemen, an American chartered Company was established, under the name of the Pacific Fur Company, who began their operations in 1810. Ships were sent and a fort built at the mouth of the Columbia. This fort was given up to the late North-west Company in the American war, when they bought of the Pacific Fur Company their whole stock-in-trade, and the country was abandoned by the Americans, and they have not since had any traders in the Columbia or to the northward.

The fort, after the Treaty of Ghent, was demanded by the American Government as included, with other fortified places, in that Treaty, although it is more properly only a trading station, and it has been delivered up, but remains unoccupied.

By a Convention in October 1818, subsequent to the Treaty, it was agreed by the Contracting Parties that the country in question, for the purposes of trade, was to be free to the subjects of both nations for ten years.

The fur trade of Great Britain, by an Act of last session and grant from His Majesty, is vested in the Hudson Bay Company; I cannot, therefore, refrain from calling your Lordship's attention to this matter as of considerable importance at the present moment, and not unlikely to lead to very unpleasant occurrences at some future period if no notice is taken of these proceedings of the Russian and American Governments, the effect of which would be to exclude British subjects from the north-west coast of America and a valuable trade in the interior.

I have, &c.

(Signed) J. H. PELLY, *Deputy Governor.*

No. 5.

Earl Bathurst to the Duke of Wellington.

My Lord, *Downing Street, September* 14, 1822.

I HAVE the honour to transmit, for your Grace's guidance in the execution of the commission with which His Majesty has been pleased to intrust you in consequence of the lamented death of the Marquis of Londonderry, a Memorandum which was originally drawn up by his Lordship, and, having been approved by His Majesty's confidential servant, was submitted to His Majesty's Government and received His Majesty's sanction.

I am, &c.

(Signed) BATHURST.

(Inclosure in No. 11.)

Memorandum.

THE subject-matter upon which the allied Ministers will have to deliberate at the approaching meeting at Vienna may be classed under the following heads:—

1. The Turkish question, internal and external.
2. The Spanish question, European and American.
3. The affairs of Italy.

As British points, the Slave Trade, the Austrian Debt, and the late Russian Ukase will demand attention.

* * * * * *

Upon the Russian Ukase the objections to its enactment, in principle, are set forth in the note addressed to Count Lieven in reply to his communication of the Ukase to the British Government. The duty of the British Plenipotentiary will be to bring the Russian Cabinet to some distinct explanation as to the mode in which the differences of opinion on this Instrument may be reconciled.

No. 6.

Memorandum by the Duke of Wellington.

September 11, 1822.

IN the course of a conversation which I had yesterday with Count Lieven, he informed me that he had been directed to give verbal explanations of the Ukase respecting the north-west coast of America. These explanations went, he said, to this: That the Emperor did not propose

to carry into execution the Ukase in its extended sense, that His Imperial Majesty's ships had been directed to cruise at the shortest possible distance from the shore in order to supply the natives with arms and ammunition and in order to warn all vessels that that was His Imperial Majesty's dominion; and that His Imperial Majesty had besides given directions to his Minister in the United States to agree upon a Treaty of limits with the United States.

It appears here that this explanation, when given, will be very little satisfactory, and that at best it is only a verbal explanation of a written and published Ukase, the terms of which, however contrary to the law of nations and protested against by us, must be the rule for our merchants and traders till we can obtain some document in writing which will alter it. This is the sense in which I propose to act at Vienna upon this part of the instructions, and it is desirable that I should be informed whether we have any claim to territory on the north-west coast of America, and what are the opinions and reasonings of the civilians upon the question of *dominion on the sea.*

The Russian Ministers will very probably assimilate their claim of dominion as thus verbally explained to the claim which we are supposed to have of dominion in the Narrow Seas, which it was attempted to bring into discussion at the Congress at Vienna in 1815. We avoided the discussion, and explained the practice of giving and receiving salutes prevailing in the British Navy in a manner satisfactory to all parties. But we never relinquished the claim of the dominion.

On the other hand, we have not recently claimed the dominion in a proclamation, and warned others not to approach it.

September 16, 1822.

Since writing the above I have again seen Count Lieven on this subject, and he has informed me that the Emperor has authorized his Minister in the United States to treat upon limits in North America with the United States. He gave me this instruction confidentially, and in order that if we had any claim to territory on the north-west coast of America we might bring it forward, so as not to be shut out by any Agreement made between Russia and the United States.

It is desirable, therefore, that I should be informed upon this subject as soon as may be convenient.

No. 7.

Hudson Bay Company to Mr. G. Canning.—(Received September .)

Sir, *Hudson Bay House, London, September*, 25, 1822.

I HAVE the honour to address you, on behalf of the Hudson Bay Company, upon the subject of the claim set up by Russia to that part of the north-west coast of America which is to the north of the 51st degree north latitude.

It appears to the Directors of this Company that the claim of Russia is not well founded, and, as the interests of the Company and of the British fur trade would be essentially and greatly injured should the claims of Russia be admitted by the British Government, I feel it to be incumbent upon me, in addition to the representations which I have already made upon this subject, to state briefly the progress of the British fur trade in that part of North America, and to apprise you of the forts or trading stations situated to the north of the 51st degree north latitude which are now occupied by the traders and servants of this Company.

In the year 1793 Sir Alexander McKenzie crossed the Rocky Mountains in 56° 30′ north latitude, and penetrated to the Pacific Ocean in latitude 52° 20′. Immediately after his return the British fur traders sent expeditions and established trading posts in the country to the westward of the Rocky Mountains. New trading stations have been gradually formed as the country was more fully explored, and until 1821 the whole trade of an extensive district named New Caledonia, and extending from the mouth of Fraser River, situated about 49° north latitude to about 60° north latitude, was carried on by the British North-west Company.

The partnership of the British North-west Company being then about to expire, arrangements were made in 1821 by which the Hudson Bay Company acquired possession of all the forts and trading stations of that Association situated in New Caledonia, as well as in other parts of British North America.

The principal forts or permanent and central trading stations in New Caledonia, now occupied by the traders and servants of this Company, are situated at the Rocky Mountain portage in 56° north latitude and 121° west longitude; on Stewart Lake, in 54° 30′ north latitude and 125° west longitude; on McLeod Lake, in 55° north latitude and 124° west longitude, and on Fraser Lake, in 55° north latitude and about 127° west longitude; and there are several minor trading posts the situations of which are occasionally changed according to local circumstances. By these means an extensive trade is carried on with all those Indian tribes which inhabit the country from about 60° north latitude as far south as the mouth of Fraser River, which is in about 49° north latitude, and between the Rocky Mountains and the sea.

The British fur traders have never met with the traders of any other nation in that country, and it does not appear that any part of it has ever been occupied by the subjects of Russia or of any other foreign Power.

All the considerable rivers which fall into the Pacific Ocean in this extent of coast have not yet been sufficiently explored to ascertain whether any of them are navigable with large boats

and have safe harbours at their discharge into the sea. The furs procured in that country have therefore been brought to England down the Peace River and through the Hudson Bay Company's territories. But it is probable that, in such an extent of coast, some practicable communication with the sea will be discovered which would save the expensive transport of goods and furs through the interior of America.

A direct communication by sea is found to be advantageous in the country to the south of New Caledonia, situated on the various branches of the Columbia River, where this Company has extensive trading establishments extending to the head waters of that river in the Rocky Mountains, and the same advantages would be derived from a direct communication by sea with New Caledonia.

This Company has trading establishments also in Mackenzie River, which falls into the Frozen Ocean as far north as 66° 30′ north latitude, which carry on a trade with those Indians who inhabit the country to the west of that river and to the north of 60° of north latitude, and who, from the nature of the country, can communicate more easily with Mackenzie River than with the trading posts in New Caledonia.

I have thus given a brief outline of the British trading stations on the north-west coast of America, and I feel confident that His Majesty's Government will take the proper measures for protecting the interests of this Company and of the British fur trade in that quarter of the world.

I have, &c.
(Signed) J. H. PELLY, *Deputy Governor.*

No. 8.

Mr. G. Canning to the Duke of Wellington.

(No. 6.)
My Lord Duke, *Foreign Office, September* 27, 1822.

YOUR Grace is already in possession of all that has passed both here and at St. Petersburgh on the subject of the issue in September of last year, by the Emperor of Russia, of an Ukase indirectly asserting an exclusive right of sovereignty from Bering Strait to the 51st degree of north latitude on the west coast of America and to the 45th degree north on the opposite coast of Asia, and (as a qualified exercise of that right) prohibiting all foreign ships, under pain of confiscation, from approaching within 100 Italian miles of those coasts.

The Ukase having been communicated by Baron Nicolai, the Russian Chargé d'Affaires at this Court, to His Majesty's Government, was forthwith submitted to the legal authorities whose duty it is to advise His Majesty on such matters; and a note was in consequence addressed by the late Marquis of Londonderry to Count Lieven, the Russian Ambassador, and also communicated to His Majesty's Ambassador at St. Petersburgh, protesting against the enactments of the said Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects.

As such explanations will probably be offered to your Grace during the Conferences about to take place at Vienna, I hasten to signify to you the King's commands as to the language which you will hold on the part of His Majesty upon this subject.

The opinions given in November and December last by Lord Stowell and by His Majesty's Advocate-General (copies of which are already in your possession) will furnish you with the best legal arguments in opposition to the pretensions put forward in the Russian Ukase; and as, in both these opinions, much stress is very properly laid upon the state of actual occupation of the territories claimed by Russia and the different periods of time at which they were so occupied, I have obtained from the Governor of the principal Company of His Majesty's subjects trading in that part of the world the information which your Grace will find in the inclosed papers. That information will enable you sufficiently to prove to the Russian Ministers, not only that the point of prior discovery may be fairly disputed with Russia, but that the much more certain title of actual occupation by the agents and the trading servants of the Hudson Bay Company extends at this moment to many degrees of higher latitude on the north-west coast of America than is claimed as the territory of Russia by the Ukase in question.

Enlightened statesmen and jurists have long held as insignificant all titles of territory that are not founded on actual occupation, and that title is, in the opinion of the most esteemed writers on public law, to be established only by practical use.

With respect to the other points in the Ukase which have the effect of extending the territorial rights of Russia over the adjacent seas to the unprecedented distance of 100 miles from the line of coast, and of closing a hitherto unobstructed passage, at the present moment the object of important discoveries for the promotion of general commerce and navigation, these pretensions are considered by the best legal authorities as positive innovations on the right of navigation. As such, they can receive no explanation from further discussion, nor can by possibility be justified. Common usage, which has obtained the force of law, has indeed assigned to coasts and shores an accessorial boundary to a short limited distance for purposes of protection and general convenience, in no manner interfering with the rights of others and not obstructing the freedom of general commerce and navigation.

But this important qualification the extent of the present claim entirely excludes, and when such a prohibition is, as in the present case, applied to a long line of coasts, and also to intermediate islands in remote seas where navigation is beset with innumerable and unforeseen

difficulties, and where the principal employment of the fisheries must be pursued under circumstances which are incompatible with the prescribed courses, all particular considerations concur, in an especial manner, with the general principle, in repelling such a pretension as an encroachment on the freedom of navigation and the unalienable rights of all nations.

I have, indeed, the satisfaction to believe, from a conference which I have had with Count Lieven on this matter, that upon these two points—the attempts to shut up the passage altogether and the claim of exclusive dominion to so enormous a distance from the coast—the Russian Government are prepared entirely to waive their pretensions. The only effort that has been made to justify the latter claim was by reference to an Article in the Treaty of Utrecht which assigns 30 leagues from the coast as the distance of prohibition. But to this argument it is sufficient to answer that the assumption of such a space was, in the instance quoted, by stipulation in a Treaty, and one to which, therefore, the party to be affected by it had (whether wisely or not) given its deliberate consent. No inference could be drawn from that transaction in favour of a claim by authority against all the world.

I have little doubt, therefore, but that the public notification of the claim to consider the portions of the ocean included between the adjoining coasts of America and the Russian Empire as a *mare clausum*, and to extend the exclusive territorial jurisdiction of Russia to 100 Italian miles from the coast, will be publicly recalled, and I have the King's commands to instruct your Grace further to require of the Russian Minister (on the ground of the facts and reasonings furnished in their despatch and its inclosures) that such a portion of territory alone shall be defined as belonging to Russia as shall not interfere with the rights and actual possessions of Her Majesty's subjects in North America.

I am, &c.
(Signed) GEORGE CANNING.

No. 9.

The Duke of Wellington to Mr. G. Canning.—(Received December 9.)

(No. 38.)

Sir, *Verona, November* 28, 1822.

I INCLOSE the copy of a Confidential Memorandum which I gave to Count Nesselrode on the 17th October, regarding the Russian Ukase, and the copy of his answer.

I have had one or two discussions with Count Lieven upon this paper, to which I object as not enabling His Majesty's Government to found upon it any negotiations to settle the questions arising out of the Ukase, which discussions have not got the better of these difficulties; and I inclose to you the copy of a letter which I have written to Count Lieven, explaining my objections to the Russian "Mémoire Confidentiel."

This question, then, stands exactly where it did. I have not been able to do anything upon it.

I have, &c.
(Signed) WELLINGTON.

Inclosure 1 in No. 9.

Memorandum.

IN the month of September 1821, His Imperial Majesty the Emperor of Russia issued an Ukase, asserting the existence in the Crown of Russia of an exclusive right of sovereignty in the countries extending from Bering Straits to the 51st degree of north latitude on the west coast of America, and to the 45th degree of north latitude on the opposite coast of Asia, and as a qualified exercise of that right of sovereignty, prohibiting all foreign vessels from approaching within 100 Italian miles of those coasts.

After this Ukase had been submitted by the King's Government to those legal authorities whose duty it is to advise His Majesty on such matters, a note was addressed by the late Marquess of Londonderry to Count Lieven, the Russian Ambassador, protesting against the enactments of this Ukase, and requesting such amicable explanations as might tend to reconcile the pretensions of Russia in that quarter of the globe with the just rights of His Majesty's Crown and the interests of his subjects.

We object, first, to the claim of sovereignty as set forth in this Ukase; and, secondly, to the mode in which it is exercised.

The best writers on the laws of nations do not attribute the exclusive sovereignty, particularly of continents, to those who have first discovered them, and although we might, on good grounds, dispute with Russia the priority of discovery of these continents, we contend that the much more easily proved, more conclusive, and more certain title of occupation and use, ought to decide the claim of sovereignty.

Now we can prove that the English North-west Company and the Hudson Bay Company have for many years established forts and other trading stations in a country called New Caledonia, situated to the west of a range of mountains called Rocky Mountains, and extending along the shores of the Pacific Ocean from latitude 49° to latitude 60°.

This Company likewise possesses factories and other establishments on Mackenzie River, which falls into the Frozen Ocean as far north as latitude 66° 30', from whence they carry on trade with the Indians inhabiting the countries to the west of that river, and who, from the nature of the country, can communicate with Mackenzie River with more facility than they can with the ports in New Caledonia.

Thus, in opposition to the claim founded on discovery, the priority of which, however, we conceive we might fairly dispute, we have the indisputable claim of occupancy and use for a series of years, which all the best writers on the laws of nations admit is the best founded claim to a territory of this description.

Objecting as we do to this claim of exclusive sovereignty on the part of Russia, I might save myself the trouble of discussing the particular mode of its exercise as set forth in this Ukase, but we object to the mode in which the sovereignty is proposed to be exercised under this Ukase not less than we do the claim of it.

We cannot admit the right of any Power possessing the sovereignty of a country to exclude the vessels of others from the seas on its coasts to the distance of 100 Italian miles.

We must object likewise to other arrangements contained in the said Ukase, conveying to private merchant ships the right to search in time of peace, &c., which are quite contrary to the laws and usages of nations and to the practice of modern times.

Verona, October 17, 1822.

Inclosure 2 in No. 9.

Mémoire Confidentiel.

LE Cabinet de Russie a pris en mûre considération le Mémoire Confidentiel que M. le Duc de Wellington lui a remis le 17 Octobre dernier relativement aux mesures adoptées par Sa Majesté l'Empereur sous la date du 4 (16) Septembre, 1821, pour déterminer l'étendue des possessions Russes sur la côte nord-ouest de l'Amérique, et pour interdire aux vaisseaux étrangers l'approche de ces possessions jusqu'à la distance de 100 milles d'Italie.

Les ouvertures faites à ce sujet au Gouvernement de Sa Majesté Britannique par le Comte de Lieven au moment où cet Ambassadeur alloit quitter Londres, doivent déjà avoir prouvé que l'opinion que le Cabinet de Saint-James avoit conçue des mesures dont il s'agit, n'étoit point fondée sur une appréciation entièrement exacte des vues de Sa Majesté Impériale.

La Russie est loin de méconnoître que l'usage et l'occupation constituent le plus solide des titres d'après lesquels un État puisse réclamer des droits de souveraineté sur une portion quelconque du continent. La Russie est plus loin encore d'avoir voulu outrepasser arbitrairement les limites que ce titre assigne à ses domaines sur la côte nord-ouest de l'Amérique, ou exiger en principe général de droit maritime les règles qu'une nécessité purement locale l'avoit obligée de poser pour la navigation étrangère dans le voisinage de la partie de cette côte qui lui appartient.

C'étoit au contraire parce qu'elle regardoit ces droits de souveraineté comme légitimes et parce que des considérations impérieuses tenant à l'existence même du commerce qu'elle fait dans les parages de la côte nord-ouest de l'Amérique, la forçoient à établir un système de précautions devenues indispensables, qu'elle a fait paroître l'Ukase du 4 (16) Septembre, 1821.

La Russie seroit toujours prête à faire part des motifs qui en justifient ses dispositions, mais pour le moment elle se bornera aux observations suivantes:—

M. le Duc de Wellington affirme dans son Mémoire Confidentiel du 17 Octobre que des Établissemens Anglois, appartenant à deux Compagnies—celle de la Baye de Hudson et celle du Nord-Ouest—se sont formés dans une contrée appelée la Nouvelle-Calédonie, qui s'étend le long de la côte de l'Océan Pacifique, depuis le 49° jusqu'au 60° de latitude septentrionale.

La Russie ne parlera point des Établissemens qui peuvent exister entre le 49 et 51 parallèle, mais quant aux autres, elle n'hésite pas de convenir qu'elle en ignore jusqu'à présent l'existence, pour autant au moins qu'ils toucheroient l'Océan Pacifique.

Les Cartes Angloises même les plus récentes et les plus détaillées n'indiquent absolument aucune des stations de commerce mentionnées dans le Mémoire du 17 Octobre, sur la côte même de l'Amérique, entre le 51° et 60° de latitude septentrionale.

D'ailleurs, depuis les expéditions de Bering et de Tchiricoff, c'est-à-dire, depuis près d'un siècle, des Établissemens Russes ont pris, à partir du 60°, une extension progressive, qui dès l'année 1799 les avoit fait parvenir jusqu'au 55 parallèle, comme le porte la première Charte de la Compagnie Russe-Américaine, Charte qui a reçu dans le tems une publicité officielle et qui n'a motivé aucune protestation de la part de l'Angleterre.

Cette même Charte accordoit à la Compagnie Russe le droit de porter ses Établissemens vers le midi au delà du 55° de latitude septentrionale, pourvu que de tels accroissemens de territoire ne pussent donner motif de réclamation à aucune Puissance étrangère.

L'Angleterre n'a pas non plus protesté contre cette disposition, elle n'a pas même réclamé contre les nouveaux établissemens que la Compagnie Russe-Américaine a pu former au sud du 55°, en vertu de ce privilège.

La Russie étoit donc pleinement autorisée à profiter d'un consentement, qui, pour être tacite, n'en étoit pas moins solennel, et à déterminer pour bornes de ses domaines le degré de latitude, jusqu'auquel la Compagnie Russe avoit étendu ses opérations depuis 1799.

Quoiqu'il en soit et quelque force que ces circonstances prêtent aux titres de la Russie, Sa

Majesté Impériale ne déviera point dans cette conjoncture du système habituel de sa politique.

Le premier de ses vœux sera toujours de prévenir toute discussion et de consolider de plus en plus les rapports d'amitié et de parfaite intelligence qu'elle se félicite d'entretenir avec la Grande-Bretagne.

En conséquence l'Empereur a chargé son Cabinet de déclarer à M. le Duc de Wellington (sans que cette déclaration puisse préjudicier en rien à ses droits, si elle n'étoit point acceptée) qu'il est prêt à fixer, au moyen d'une négociation amicale et sur la base des convenances mutuelles, les degrés de latitude et de longitude que les deux Puissances regarderont comme dernières limites de leurs possessions et de leurs établissemens sur la côte nord-ouest de l'Amérique.

Sa Majesté Impériale se plaît à croire que cette négociation pourra se terminer sans difficulté à la satisfaction réciproque des deux États, et le Cabinet de Russie peut assurer dès à présent M. le Duc de Wellington que les mesures de précaution et de surveillance qui seront prises alors sur la partie Russie de la côte d'Amérique, se trouveront entièrement conformes aux droits dérivant de sa souveraineté, ainsi qu'aux usages établis entre nations, et qu'aucune plainte légitime ne pourra s'élever contre elles.

Vérone, le 11 (23) *Novembre*, 1822.

(Translation.)

Confidential Memorandum.

The Russian Cabinet has seriously considered the Confidential Memorandum which the Duke of Wellington addressed to it on the 17th of last October in relation to the measures adopted by His Majesty the Emperor, under date of the 4th (16th) September, 1821, to determine the extent of the Russian possessions on the north-west coast of America, and to prevent foreign vessels from approaching these possessions within the distance of 100 Italian miles.

The overtures made in regard to this subject to the Government of His Britannic Majesty by Count de Lieven, at the time of the departure of that Ambassador from London, must already have proved that the opinion the Court of St. James entertained of the measures under consideration was not founded upon an entirely exact understanding of the views of His Imperial Majesty.

Russia is far from failing to recognize that use and occupation constitute the best titles by which a State can lay claim to rights of sovereignty over any part of the continent. Russia is further still from having wished to arbitrarily overstep the boundaries which such title assigns to her dominions on the north-west coast of America or to insist as a general principle of maritime law upon the regulations that a purely local necessity had obliged her to impose upon foreign navigation in the neighbourhood of the part of this coast which belongs to her.

It was, on the contrary, because she regarded these rights of sovereignty as legitimate, and because imperative considerations involving the very existence of the commerce in which she is engaged along the north-west coast of America forced her to establish a system of precautions which has become indispensable, that she issued the Ukase of the 4th (16th) September, 1821.

Russia would always be ready to explain the motives which justify her conduct, but for the present she will confine herself to the following observations:—

The Duke of Wellington states in his Confidential Memorandum of the 17th October that some English Settlements, belonging to two Companies—the Hudson Bay and the North-West—have been formed in a country called New Caledonia, which extends along the coast of the Pacific Ocean from the 49th degree to the 60th degree of north latitude.

Russia will not speak of the Settlements which may exist between the 49th and 51st parallels, but as to the others, she does not hesitate to admit that she is still in ignorance of their existence, at least so far as their touching the Pacific Ocean is concerned.

Even the most recent and complete English maps do not show a single trading post, mentioned in the Memorandum of the 17th October, on the coast of America between the 51st and 60th degrees of north latitude.

Moreover, since the expeditions of Bering and Tchiricoff—that is, for nearly a century—Russian Settlements have been growing so steadily from the 60th degree onward that in 1799 they had reached the 55th parallel, as the first Charter of the Russian-American Company shows, which Charter at the time received official publicity, and which has called forth no protest on the part of England.

This same Charter accorded to the Russian Company the right to extend its Settlements toward the south beyond the 55th degree of north latitude, provided that such increase of territory would give rise to no protest on the part of any foreign Power.

No objection was made to this provision, either, by England. She did not even protest against the new Settlements that the Russian-American Company may have established to the south of the 55th degree by reason of this privilege.

Russia was thus fully authorized to profit by a consent which was not the less solemn because it was tacit, and to fix as the boundary of her dominions the degree of latitude to which the Russian Company had extended its operations since 1790.

However that may be, and whatever force these circumstances may lend to Russia's title, His Imperial Majesty will not deviate in the slightest degree, at this juncture, from his accustomed political system.

His most cherished wish will always be to prevent all contention and to strengthen more and more the friendly relations and the perfect understanding which he congratulates himself on maintaining with Great Britain.

In consequence, the Emperor has directed his Cabinet to state to the Duke of Wellington (without permitting this declaration to prejudice his rights in any degree should it be accepted) that he is ready to settle, by means of friendly negotiations and upon the basis of mutual agreement, the degrees of latitude and longitude which the two Powers shall regard as the outside limits of their possessions and of their Settlements on the north-west coast of America.

His Imperial Majesty is pleased to believe that these negotiations can be terminated without difficulty, to the mutual satisfaction of the two States, and the Russian Cabinet is authorized to assure the Duke of Wellington that the measures of precaution and supervision which will then be taken in the Russian part of the coast of America will be in entire conformity with the rights emanating from her sovereignty, as well as with international usage, and that no legitimate complaint can be brought against them.

Verona, November 11 (23), 1822.

Inclosure 3 in No. 9.

The Duke of Wellington to Count Lieven.

M. le Comte, *Verona, November* 28, 1822.

HAVING considered the paper which your Excellency gave me last night on the part of his Excellency Count Nesselrode on the subject of our discussions on the Russian Ukase, I must inform you that I cannot consent, on the part of my Government, to found on that paper the negotiations for the settlement of the question which has arisen between the two Governments on this subject.

We object to the Ukase on the grounds—

1. That His Imperial Majesty assumes thereby an exclusive sovereignty in North America of which we are not prepared to acknowledge the existence or the extent. Upon this point, however, the Memorandum of Count Nesselrode does afford the means of negotiation, and my Government will be ready to discuss it either in London or St. Petersburgh whenever the state of the discussions on the other question arising out of the Ukase will allow of the discussion.

The second ground on which we object to the Ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations.

We contend that the assumption of this power is contrary to the law of nations, and we cannot found a negotiation upon a paper in which it is again broadly asserted. We contend that no Power whatever can exclude another from the use of the open sea. A Power can exclude itself from the navigation of a certain coast, sea, &c., by its own act or engagement, but it cannot by right be excluded by another. This we consider as the law of nations, and we cannot negotiate upon a paper in which a right is asserted inconsistent with this principle.

I think, therefore, that the best mode of proceeding would be that you should state your readiness to negotiate upon the whole subject, without restating the objectionable principle of the Ukase which we cannot admit.

Ever yours, &c.
(Signed) WELLINGTON.

No. 10.

The Duke of Wellington to Mr. G. Canning.—(Received December 9.)

(No. 44.)
Sir, *Verona, November* 29, 1822.

SINCE I wrote to you yesterday I have had another conversation with the Russian Ministers regarding the Ukase.

It is now settled that both the Memoranda which I inclosed to you should be considered as *non avenus*, and the Russian Ambassador in London is to address you a note in answer to that of the late Lord Londonderry, assuring you of the desire of the Emperor to negotiate with you upon the whole question of the Emperor's claims in North America, reserving them all if the result of the negotiations should not be satisfactory to both parties.

This note will then put this matter in a train of negotiations, which is what was wished.

I have, &c.
(Signed) WELLINGTON.

No. 11.

Baron Tuyll to Count Nesselrode.

(Extrait.) *Liverpool, le* 21 *Octobre* (2 *Novembre*), 1822.

Il sera sans doute expédient de faire, à cet égard, toutes les tentatives possibles, en alléguant la nouveauté de ces derniers établissemens, la clause du Privilège des deux Compagnies réunies, posant des bornes à leur extension future, et le préjudice que la proximité de ces postes ne peut manquer de causer à l'établissement Russe, plus ancien et connu sous le nom de Novo-Archangelsk. Mais dans la supposition que l'on ne pût réussir à étendre les frontières de la Russie beaucoup plus vers le sud, il seroit, ce semble, indispensable de les voir au moins fixées au 55e degré de latitude nord, ou, mieux encore, à la pointe méridionale de l'Archipel du Prince de Galles et l'Observatory Inlet, situés à peu près sous ce parallèle. Tout voisinage plus rapproché des établissemens Anglois ne pourroit manquer d'être préjudiciable à celui de Novo-Archangelsk, qui se trouve sous les 57° 3′.

(Translation.)

It will doubtless be expedient to make all possible attempts in this direction by alleging the newness of these last establishments, the clause of the privilege [Charter] of the two united Companies which sets a limit to their future extension, and the injury which the proximity of those posts cannot fail to cause the older Russian establishment, known under the name of Novo-Archangelsk. But supposing it to be impossible to succeed in extending the frontiers of Russia much farther towards the south, it seems that it would be indispensable to have them fixed at least at the 55th degree of north latitude, or, better still, at the southern point of the archipelago of the Prince of Wales and the Observatory Inlet, which are situated almost under that parallel. Any nearer neighbourhood of the English establishments could not fail to be injurious to that of Novo-Archangelsk, which is in latitude 57° 3′.

No. 12.

Count Lieven to Mr. G. Canning.

Londres, le 19 (31) *Janvier*, 1823.

A LA suite des déclarations verbales que le Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté l'Empereur de toutes les Russies, a faites au Ministère de Sa Majesté Britannique, le Cabinet de St. James a dû se convaincre que si des objections s'étoient élevées contre le Règlement publié au nom de Sa Majesté l'Empereur de toutes les Russies, sous la date du 4 (16) Septembre, 1821, les mesures ultérieures adoptées par Sa Majesté Impériale ne laissent aucun doute sur la pureté de ses vues et sur le désir qu'elle aura toujours de concilier ses droits et ses intérêts avec les intérêts et les droits des Puissances auxquelles l'unissent les liens d'une amitié véritable et d'une bienveillance réciproque.

Avant de quitter Vérone, le Soussigné a reçu l'ordre de donner au Gouvernement de Sa Majesté Britannique une nouvelle preuve des dispositions connues de l'Empereur, en proposant à son Excellence Mr. Canning, Principal Secrétaire d'État de Sa Majesté Britannique pour les Affaires Etrangères (sans que cette proposition puisse porter atteinte aux droits de Sa Majesté Impériale, si elle n'est pas acceptée), que de part et d'autre la question de droit strict soit provisoirement écartée, et que tous les différends auxquels a donné lieu le Règlement dont il s'agit, s'aplanissent par un arrangement amical fondé sur le seul principe des convenances mutuelles et qui seroit négocié à Saint-Pétersbourg.

L'Empereur se flatte que Sir Charles Bagot ne tardera point à recevoir les pouvoirs et les instructions nécessaires à cet effet et que la proposition du Soussigné achèvera de démontrer au Gouvernement de Sa Majesté Britannique combien Sa Majesté Impériale souhaite qu'aucune divergence d'opinion ne puisse subsister entre la Russie et la Grande-Bretagne, et que le plus parfait accord continue de présider à leurs relations.

Le Soussigné saisit, &c.

(Signé) LIEVEN.

(Translation.)

London, January 19 (31), 1823.

In consequence of the verbal statements that the Undersigned, Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of all the Russias, has made to the Government of His Britannic Majesty, the Court of St. James must have become convinced that had objection arisen to the Regulation promulgated in the name of His Majesty the Emperor of all the Russias, under date of the 4th (16th) September, 1821, the subsequent measures adopted by His Imperial Majesty leave no doubt as to the sincerity of his intentions and the desire which he will always have to reconcile his rights and his interests with the interests and the rights of the Powers to whom he is bound by the ties of sincere friendship and mutual good-will.

Before leaving Verona the Undersigned was ordered to present to the Government of His Britannic Majesty a new proof of the Emperor's well-known feelings by proposing to his Excellency Mr. Canning, Chief Secretary of State for Foreign Affairs of His Britannic Majesty (without permitting this proposition to prejudice the rights of His Imperial Majesty should it not be accepted), that the question of strict right be temporarily set aside on the part of both, and that all the differences to which the Regulation in question has given rise be adjusted by an amicable arrangement founded on the sole principle of mutual expediency, to be negotiated at St. Petersburgh.

The Emperor is pleased to believe that Sir Charles Bagot will soon receive the powers and instructions necessary to this end, and that the proposition of the Undersigned will completely demonstrate to the Government of His Britannic Majesty how much it is the wish of His Imperial Majesty that no difference of opinion should exist between Russia and Great Britain, and that the most perfect harmony should continue to rule in their relations.

The Undersigned takes, &c.

(Signed) LIEVEN.

No. 13.

Mr. G. Canning to Sir C. Bagot.

(No. 1.)

Sir, *Foreign Office, February 5, 1823.*

WITH reference to my despatch No. 5 of the 31st December, 1822, transmitting to your Excellency the copy of an Instruction* addressed to the Duke of Wellington, as well as a despatch† from his Grace, dated Verona, the 29th November, 1822, both upon the subject of the Russian Ukase of September 1821, I have now to inclose to your Excellency the copy of a note‡ which has been addressed to me by Count Lieven, expressing His Imperial Majesty's wish to enter into some amicable arrangement for bringing this subject to a satisfactory termination, and requesting that your Excellency may be furnished with the necessary powers to enter into negotiation for that purpose with His Imperial Majesty's Ministers at St. Petersburgh.

I avail myself of the opportunity of a Russian courier (of whose departure Count Lieven has only just apprised me) to send this note to your Excellency, and to desire that your Excellency will proceed to open the discussion with the Russian Minister upon the basis of the instruction to the Duke of Wellington.

I will not fail to transmit to your Excellency full powers for the conclusion of an Agreement upon this subject by a messenger whom I will dispatch to you as soon as I shall have collected any further information which it may be expedient to furnish to your Excellency, or to found any further instruction upon, that may be necessary for your guidance in this important negotiation.

I am, &c.

(Signed) GEORGE CANNING.

No. 14.

Mr. G. Canning to Sir C. Bagot.

(No. 4.)

Sir, *Foreign Office, February 25, 1823.*

I TRANSMIT to your Excellency herewith a full power, which the King has been pleased to grant to you under the great seal, authorizing and empowering you to adjust the differences which have arisen in consequence of the Ukase promulgated at St. Petersburgh on the 4th September, 1821, which prohibits, under pain of confiscation, all foreign vessels from approaching within 100 Italian miles of the north-western coast of America, the Aleutian and Kurile Isles, and the eastern coasts of Siberia.

I have nothing further to add to the papers with which your Excellency has already been furnished on this subject, except two opinions which were laid by the King's Law Officers before His Majesty's Government on the first receipt of the Ukase in question.

I am, &c.

(Signed) GEORGE CANNING.

No. 15.

Sir C. Bagot to Mr. G. Canning.—(Received March 15.)

(No. 8.)

Sir, *St. Petersburgh, February 10 (22), 1823.*

COUNT LIEVEN'S courier arrived here yesterday afternoon, and I had this morning the honour to receive your despatch No. 1, of the 5th instant, inclosing to me a copy of his Excellency's note to you of the 31st of last month, respecting the Imperial Ukase of the 16th September, 1821.

* No. 8. † No. 10. ‡ No. 12.

As the post is on the point of setting out, I have only time to acknowledge the receipt of this despatch, and to assure you that I shall immediately proceed to open with the Russian Ministry the discussions which you instruct me to hold upon the important subject to which it relates.

I had yesterday an interview with Count Nesselrode, when I took occasion to speak with him generally upon the state of affairs as they appear to be affected by the King of France's speech at the opening of the Chambers, but nothing passed in our conversation which it seems necessary that I should report to you, and I have not had an opportunity of seeing the Emperor since his return from Verona.

The latest intelligence received here from Constantinople is still that of the 25th of last month.

I ought to state that in the copy of the instructions given to the Duke of Wellington by your despatch No. 6 to his Grace of the 27th September, 1822, and which was transmitted to me in your despatch No. 5 of the 31st December, the opinions of Lord Stowell and of His Majesty's Advocate-General upon the subject of this Ukase, and the other papers therein referred to, were not inclosed.

I have, &c.
(Signed) CHARLES BAGOT.

No. 16.

Shipowners' Society to Mr. G. Canning.—(Received .)

Sir, *New Broad Street, June* 11, 1823.

I HAVE been requested by the Committee of this Society to represent to you, Sir, that considerable alarm has been excited among the owners of ships engaged in the southern whale fishery by the order lately issued by His Majesty the Emperor of Russia, "prohibiting foreign vessels to touch at the Russian establishments along the north-west coast of America from Bering Straits to 51° north latitude, as well as in the Aleutian Islands, on the east coast of Siberia, and the Kurile Islands, that is to say, from Bering Straits to the South Cape, in the Island of Ooroop, viz., in 45° 51′ north latitude, or even to approach them within a less distance than 100 Italian miles."

This Committee, being aware of the delicacy of the subject, and that the attention of His Majesty's Government had been directed to it, have been unwilling to trouble you with any representations, but as there are now many ships fishing in those seas, and several others bound thither, and it appears that fears are generally entertained lest the seizure and confiscation of some of them should take place by the Russian authorities upon the plea of their having been within the prohibited limits, the Committee have felt it their duty—and have requested me thus most respectfully to express to you, Sir—their hope that you may be enabled to communicate to them such information as will remove those apprehensions.

I have, &c.
(Signed) GEORGE LYALL,
Chairman of the Committee.

No. 17.

Mr. S. Canning to Mr. G. Canning.—(Received June 12.)

(No. 47.)
Sir, *Washington, May* 3, 1823.

THE Russian Envoy, Baron Tuyll, who arrived here about three weeks ago, has proposed to the American Government, in the name of his Court, to send instructions to Mr. Middleton at St. Petersburgh, for the purpose of enabling him to negotiate an arrangement of the differences arising out of the claims asserted by the Emperor of Russia to an exclusive dominion over the north-west coast of America and the neighbouring seas as far as the 51st degree of north latitude. The proposal I conceive to be similar to that which was made by Count Nesselrode to His Majesty's Plenipotentiary at Verona relative to the same object, as it affects Great Britain. The American Secretary of State, in apprising me of the communication received from Baron Tuyll, expressed a desire that I would mention it to His Majesty's Government, and stating that Mr. Middleton would in all probability be furnished with the necessary powers and instructions, suggested whether it might not be advantageous for the British and American Governments, protesting as they did against the claims of Russia, to empower their Ministers at St. Petersburgh to act in the propose negotiation on a common understanding. He added that the United States had no territorial claims of their own as high as the 51st degree of latitude, although they disputed the extent of those advanced by Russia, and opposed the right of that Power to exclude their citizens from trading with the native inhabitants of those regions over which the sovereignty of Russia had been for the first time asserted by the late Edict of the Emperor, and most particularly the extravagant pretension to prohibit the approach of foreign vessels within 100 Italian miles of the coast.

At the same time that he submitted this overture for the consideration of His Majesty's Government, Mr. Adams informed me that he had received an account similar to that which had

lately appeared in the newspapers, and which has already been forwarded to your Office, of an American trading-vessel having been ordered away from the north-west coast by the Commander of a Russian frigate stationed in that quarter. He did not appear, however, to apprehend that any unpleasant consequences were likely to result from that occurrence, as it was understood that provisional instructions of a less exceptionable tenor had been dispatched from St. Petersburgh in compliance with the representations of foreign Powers.

In bringing under your notice this overture of the American Government, respecting which I cannot presume to anticipate the sentiments of His Majesty's Cabinet, I have only to add that, on asking Mr. Adams whether it was his intention to enter more largely upon the subject at present, I was informed, in reply, that it would be desirable for him previously to know in what light the British Government was disposed to view the suggestion which he had offered. He appeared to be under an impression that the instructions and powers requisite for acting separately in this affair had already been transmitted to Sir Charles Bagot.

I have, &c.

(Signed) STRATFORD CANNING.

No. 18.

Memorandum to be delivered to Mr. Lyall, Chairman of the Shipowners' Society.

NO doubt is entertained but that British vessels may pursue their usual navigation within the seas mentioned in Mr. Lyall's letter without apprehension of molestation from Russia.

The warning off of the American vessel took place before notice of the modifications of the Ukase, assurances of which were given to the Government of the United States in the month of April last, could have reached the Russian Commander in those seas. Similar assurances were given to the British Government by the Russian Ambassador in September; and the whole subject is now under negotiation at St. Petersburgh.

Foreign Office, June 27, 1823.

No. 19.

Mr. G. Canning to Sir C. Bagot.

(No. 12.)

Sir, *Foreign Office, July* 12, 1823.

I HAVE the honour to inclose, for your Excellency's information, the copy of a despatch received from His Majesty's Minister in America upon the subject of the Russian Ukase relating to the north-west coast of America; also a letter from the Shipowners' Society upon the same subject and of a Memorandum of my reply to that letter.

Your Excellency will observe from Mr. Stratford Canning's despatch that the Government of the United States are desirous to join with that of His Majesty in bringing forward some proposition for the definitive settlement of this question with Russia.

We have no precise information as to the views of the American Government, Mr. Rush not having yet received any instructions upon the subject. It seems probable, however, that the part of the question in which the American Government is peculiarly desirous of establishing a concert with this country is that which concerns the extravagant assumption of maritime jurisdiction. Upon this point—it being now distinctly understood that Russia waives all her pretensions to the practical exercise of the rights so unadvisedly claimed—the only question will be as to the mode and degree of disavowal with which Great Britain and the United States might be, respectively, satisfied.

Upon this point, therefore, such a concert as the United States are understood to desire will be peculiarly advantageous, because, supposing the disavowal made, there is no disposition on the part of His Majesty to press hard upon the feelings of the Emperor of Russia, and it would certainly be more easy for His Majesty to insist lightly on what may be considered as a point of national dignity, if he acted in this respect in concert with another Maritime Power, than to enact any less degree, either of excuse for the past or of security for the future, than that other Power might think necessary.

Great Britain and the United States may be satisfied jointly with smaller concessions than either Power could accept singly, if the demands of the other were likely to be higher than its own.

I therefore think it best to defer giving any precise instructions to your Excellency on this point until I shall have been informed of the views of the American Government upon it.

In the meantime, however, you will endeavour to draw from the Russian Government a proposal of their terms, as we should undoubtedly come much more conveniently to the discussion, and be much more likely to concert an agreement upon moderate terms with the American Government if a proposal is made to us than to agree in originating one which would be satisfactory at once to both Governments and to Russia.

The other part of this question, which relates to territorial claim and boundary, is, perhaps, susceptible of a separate settlement; of the two principles on which the settlement could be made, viz., joint occupancy or territorial demarcation, the latter is clearly preferable. A line of

demarcation, drawn at the 57th degree, between Russian and British settlers would be an arrangement satisfactory to us, and would assign to Russia as much as she can pretend to be due to her. Your Excellency will therefore bring this suggestion forward, and acquaint me how far a formal proposition on this basis would be agreeable to His Imperial Majesty's Government. The arrangement might be made, if more agreeable to Russia, for an expirable period of ten or fifteen years.

I am, &c.
(Signed) GEORGE CANNING.

P.S. *July* 13.—Since this despatch was written I have received from Mr. S. Canning the despatch of which I inclose a copy, by which your Excellency will learn that instructions are to be sent to Mr. Rush to enter into discussion here (among other matters) upon the subject of the Ukase. There is nothing in this communication to vary the instructions herein given to your Excellency.

G. C.

No. 20.

Count Nesselrode to Count Lieven.

(Communicated August 14.)

(Extrait.)
(Confidentielle.) *Saint-Pétersbourg, le* 26 *Juin*, 1823.

LES instructions additionnelles envoyées aux officiers de la marine Impériale chargées de la surveillance de nos côtes dans la partie nord-ouest de l'Amérique portent nommément :—

1. Que les Commandans de nos bâtimens de guerre doivent exercer leur surveillance aussi près que possible du continent, c'est-à-dire, sur une étendue de mer qui soit à la portée du canon de la côte ; qu'ils ne doivent point étendre cette surveillance au delà des latitudes sous lesquelles la Compagnie Américaine a effectivement exercé ses droits de chasse et de pêche, tant depuis l'époque de sa création que depuis le renouvellement de ses privilèges en 1799, et que, quant aux îles où se trouvent des Colonies ou établissements de la Compagnie, elles sont toutes indistinctement comprises dans cette règle générale ;

2. Que cette surveillance doit avoir pour objet de réprimer tout commerce frauduleux et toute tentative de nuire aux intérêts de la Compagnie en troublant les parages fréquentés par ses chasseurs et ses pêcheurs, enfin de prévenir toute entreprise dont le but serait de fournir aux naturels du pays, sans le consentement des autorités, des armes à feu, des armes blanches, ou des munitions de guerre ;

3. Que dans ce qui concerne les bâtimens égarés, battus par la tempête, ou entraînés par les courans, les Commandans des vaisseaux de la marine Impériale continueront à se conformer aux dispositions du Règlement du 4 Septembre, 1821 ; qu'ils s'y conformeront de même à l'égard des bâtimens qui se livreraient au commerce, aux tentatives ou entreprises ci-dessus indiquées ; et que, nommément, ils pourront en agir d'après les principes reçus parmi toutes les nations lorsqu'un vaisseau étranger, ayant à bord des marchandises prohibées ou des munitions de guerre approcherait d'un de nos établissemens jusqu'à la portée du canon, sans avoir égard aux interpellations et déclarations que nos officiers lui adresseraient en conformité de ce que leur a été prescrit antérieurement ; enfin—

4. Que ces officiers doivent s'abstenir de toute intervention dans l'exercice des fonctions locales du Directeur des Colonies, qui a reçu des instructions parfaitement analogues à celles dont ils ont été munies eux-mêmes, et qui se trouve revêtu du pouvoir d'un Commandant du port.

Votre Excellence voudra bien observer que ces nouvelles instructions, qui, dans le fait, sont de nature à faire suspendre provisoirement l'effet de l'Oukase Impérial du 4 Septembre, 1821, n'ont été expédiées de Saint-Pétersbourg qu'au mois d'Août de l'année passée ; que par conséquent l'officier qui se trouvait alors en croisière dans les parages en question, et le Directeur de nos Colonies, ne pourront les recevoir avant le mois de Septembre prochain, et que nommément le Capitaine Touloubieff, commandant le sloop Russe "l'Apollon," ne pouvait en avoir connaissance à l'époque de l'incident rapporté par les journaux Américains.

(Translation.)

(Extract.)
(Confidential.) *St. Petersburgh, June* 26, 1823.

THE additional instructions sent to the officers of the Imperial navy upon whom devolves the duty of guarding our coasts in the north-western part of America set forth particularly :—

1. That the Commanders of our war-vessels should keep a watch as close as possible to the continent, that is to say, sufficiently near to be within gun-shot of the shore; that they should not extend this watch beyond the latitudes in which the American Company has actually exercised its rights of hunting and fishing, either from the time of its formation or since the renewal of its privileges in 1799, and that, as to the islands where Colonies or Settlements of the Company have been established, they are all, without distinction, comprised in this general rule ;

2. That the object of this surveillance should be to repress all fraudulent commerce and all attempts to injure the interests of the Company by disturbing the waters frequented by its hunters and fishermen; also to prevent any enterprise having in view the furnishing of fire-arms, side-arms, or munitions of war to the natives without the consent of the authorities;

3. That so far as stray ships, beaten by tempests or carried away by currents, are concerned, Commanders of vessels of the Imperial navy shall continue to observe the provisions of the Regulations of the 4th September, 1821; that they shall also conform to it in the case of vessels engaged in trade, in attempts or in enterprises above indicated, and that, especially, they shall act in accordance with the principles recognized by all nations when a foreign vessel, having on board prohibited merchandise or munitions of war, approaches one of our Settlements within range of the guns without paying heed to the summons and declarations which our officers may address to her in conformity with what has been hereinbefore prescribed; finally—

4. That these officers shall refrain from all intervention in the exercise of the local functions of the Director of the Colonies, who has received instructions exactly similar to those with which they themselves have been provided, and who is invested with the power of a Commander of the port.

Your Excellency will observe that these new instructions, which are in fact of such a nature as to provisionally suspend the effect of the Imperial Ukase of the 4th September, 1821, were only forwarded from St. Petersburgh in the month of August of last year; that, in consequence, the officer who was then cruising in the waters in question, and the Director of our Colonies, cannot receive them before next September, and that Captain Touloubieff, Commanding the Russian sloop "Apollo," particularly, could have had no knowledge of them at the time of the incident referred to by the American newspapers.*

No. 21.

Mr. G. Canning to Sir C. Bagot.

(No. 17.)

Sir, *Foreign Office, August* 20, 1823.

COUNT LIEVEN called upon me some days since and communicated to me, confidentially, the inclosed extract of a despatch† which his Excellency had received from Count Nesselrode upon the subject of the Russian Ukase of the 4th September, 1821.

Although it is very probable that your Excellency is already in possession of the facts stated in this paper, I think it right to transmit it to your Excellency, lest it should not yet have come to your Excellency's knowledge.

I considered it expedient to make this communication known to Mr. Rush, the American Minister in this country, whose Government must naturally be deeply interested in any resolution which may be adopted by that of Russia upon this subject, apprising Count Lieven that I had done so.

I am, &c.
(Signed) GEORGE CANNING.

No. 22.

Sir C. Bagot to Mr. G. Canning.—(Received September 23.)

(No. 36.)

Sir, *St. Petersburgh, August* 19 (31), 1823.

COUNT NESSELRODE being upon the eve of setting out to join the Emperor upon his journey through the interior, and it being probable that he will not return to St. Petersburgh before the middle of November, I have thought it advisable, even in the absence of those further instructions which you led me to expect in your despatch No. 12 of the 12th of last month, to apprise him of the probability of Mr. Middleton and myself being soon instructed to act jointly in negotiating with him some proposition for the definite settlement of that part at least of the question growing out of the Imperial Ukase of the 4th (16th) September, 1821, which regards the maritime jurisdiction assumed by Russia in the North Pacific Ocean.

I have been induced to acquaint Count Nesselrode thus early with the fact, partly with a desire of ascertaining, so far as I could, the manner in which a combined measure of this kind would be viewed by the Imperial Government, and partly to ascertain whether his own absence would necessarily delay our negotiations upon this subject.

In respect to the first of these objects, I am happy in being able to state that the proposed concert of measures between His Majesty and the United States, so far from being unacceptable to Count Nesselrode, is considered by him, and principally for the same reasons which are assigned in your despatch, as the most agreeable mode in which the question could be brought under discussion.

In regard to the second object, finding that Count Nesselrode received so favourably my intimation of the course which we were about to pursue, I thought that I should best learn whether

* See "Fur-seal Arbitration," vol. iv, p. 403.

† No. 29.

the Russian Government was prepared to proceed immediately to negotiation if I suggested to him as I did, the facilities which it would probably afford to all parties if, instead of leaving to His Majesty the perhaps difficult task of originating a proposition upon the subject, which would be at the same time satisfactory both to the United States and to Russia, the Imperial Government themselves should propose some arrangement for our consideration which, while it might protect the legitimate commercial interests of His Imperial Majesty's subjects, might also effectively save —what was the great object of the negotiation—the dignity and rights both of His Majesty and the other Maritime Powers of the world.

Count Nesselrode received this suggestion exactly as I could have wished, and he seemed fully sensible to the delicacy shown toward the Imperial Government in proposing such a course. He said that he thought that he should probably receive His Imperial Majesty's orders to instruct M. Poletica (who, from his long residence in America, and his repeated discussions with the Government of the United States upon the subject, is supposed to be the person here who is most conversant with the whole question) to prepare, during the absence of the Emperor, such materials as may enable the Imperial Government, immediately upon the Emperor's return to St. Petersburgh, to shape some such proposition as that which I had suggested, but he did not give me any reason to suppose that M. Poletica would be authorized to conclude an arrangement, or that anything could be definitely settled till after his own return.

In the meantime, the American Minister here has not yet received the instructions referred to by Mr. Stratford Canning in his letter to you of the 3rd May, a copy of which is inclosed in your despatch No. 12. I have, however, apprised him of the wish of his Government to act in concert with that of His Majesty in this business, of His Majesty's readiness to accede to this wish, and of the probability of his receiving, in the course of a very short time, precise instructions upon the subject. From the few general conversations which I have had with Mr. Middleton, he does not seem at all desirous of pressing hardly upon the Imperial Government, and he appears to think that, if any sufficient public disavowal of the pretensions advanced in the Ukase can be obtained, his own Government will be perfectly ready to lend themselves to whatever course may best save the feelings and the pride of Russia.

Mr. Middleton now tells me, what I was not before aware of, that he had last year, by the direction of the President, several interviews with Count Nesselrode and Count Capodistrias upon the subject of this Ukase, and that it was at length agreed that he should inquire officially what were the intentions of the Imperial Government in regard to the execution of it, an assurance being previously given that the answer which he should receive would be satisfactory. Mr. Middleton has been good enough to furnish me with a copy of this answer, which I now inclose. As, however, he considers the communication of the paper as personally confidential, I take the liberty of requesting that no public use may be made of it.

In regard to the second part of this question, that which relates to the territorial claim advanced by Russia in respect to the north-west coasts of North America, I have explained to Count Nesselrode that the United States making no pretension to territory so high as the 51st degree of north latitude, the question rests between His Majesty and the Emperor of Russia alone, and becomes, therefore, a matter for separate settlement by their respective Governments.

I have suggested to him that this settlement may perhaps be best made by Convention, and I have declared our readiness to accede to one framed either upon the principle of joint occupancy or demarcation of boundary as the Russian Government may itself prefer, intimating, however, that in our view the latter is by far the most convenient. Count Nesselrode immediately and without hesitation declared himself to be entirely of that opinion, and he assured me that the chief, if not the only, object of the Imperial Government was to be upon some certainty in this respect.

This conversation took place before I had received your private letter in cipher of the 25th of last month, which reached me on the 11th instant by post. I had, however, taken upon myself to abstain from bringing forward any suggestion that the territorial arrangement should be made for an expirable period, as I thought it possible that such an arrangement might, in the end, be found to be inconvenient, and as it appeared to me that it was a proposition which I should at all events reserve for a later period of the discussion, when it might, in case of difficulties, be found a useful instrument of negotiation.

In a second interview which I have had with Count Nesselrode upon the subject of this separate negotiation, I told him that our pretensions had, I believed, always extended to the 59th degree of north latitude, but that a line of demarcation drawn at the 57th degree would be entirely satisfactory to us, and that I believed that the Russian Government had in fact no settlements to the southward of that line. I am not, however, quite sure that I am right in this last assertion, as the Russian settlement of Sitka, to which I am told that the Russian Government pretends to attach great importance, is not laid down very precisely in the map published in 1802 in the Quartermaste -General's Department here, or laid down at all in that of Arrowsmith, which has been furnished to me from the Foreign Office. Be this, however, as it may, Count Nesselrode did not appear to be at all startled by the proposition. He said that he was not enough acquainted with the subject to give an immediate answer to it, but he made a memorandum of what I said, and I hope shortly to be able to ascertain how far this Government may be inclined to accept a more formal proposition founded upon this basis.

I have, &c.
(Signed) CHARLES BAGOT.

P.S.—Since writing the above I have again seen Count Nesselrode, who has informed me that he has received the Emperor's commands to put M. Poletica in direct communication with Mr. Middleton and myself upon the subject of that part of the Ukase in which it is proposed that

we should act conjointly whenever Mr. Middleton shall have received the instructions which he expects from his Government.

C. B.

Inclosure in No. 22.

Count Nesselrode to Mr. Middleton.

Saint-Pétersbourg, le 1er *Août*, 1822.

LE Soussigné, Secrétaire d'État, dirigeant le Ministère des Affaires Étrangères, s'est empressé de mettre sous les yeux de l'Empereur la note que Mr. Middleton, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis d'Amérique, lui a adressée le 27 Juillet, afin de rappeler l'attention du Ministère Impérial sur la correspondance qui a eu lieu entre l'Envoyé de Russie à Washington et le Gouvernement des États-Unis, concernant certaines clauses du Règlement émané le 4 (16) Septembre, 1821, et destiné à protéger les intérêts du commerce Russe sur la côte nord-ouest de l'Amérique Septentrionale.

Animé du désir constant de maintenir dans toute leur intégrité les relations amicales qui subsistent entre la Cour de Russie et le Gouvernement des États-Unis, l'Empereur s'est plu à prévenir les vœux que viennent de lui être témoignés. Déjà depuis un mois M. le Général-Major Baron de Tuyll, nommé au poste qu'occupoit M. de Poletica, a reçu l'ordre de poursuivre, immédiatement après son arrivée à Washington, la tâche importante que son prédécesseur auroit également remplie, si l'état de santé lui avait permis de prolonger son séjour en Amérique.

Ne doutant pas des dispositions amicales que le Gouvernement Américain apportera aux négociations que le Général Tuyll va ouvrir, et assuré d'avance que, par une suite de ces mêmes négociations, les intérêts du commerce de la Compagnie Russe-Américaine seront préservés de toute lésion, l'Empereur a fait munir les vaisseaux de la marine Impériale qui font et feront la croisière sur la côte nord-ouest des instructions les plus analogues au but que les deux Gouvernemens aimeront à atteindre par des explications dirigées de part et d'autre, dans un esprit de justice, de concorde, et d'amitié.

En écartant ainsi de son côté toute chance qui auroit pu mener aux voyes de fait que le Gouvernement Américain semble appréhender de loin, Sa Majesté Impériale se plaît à espérer que le Président des États-Unis adoptera successivement des mesures que sa sagesse lui montrera comme les plus propres à rectifier toutes les erreurs accréditées par une malveillance qui cherche à dénaturer les intentions et à compromettre les rapports intimes des deux Gouvernemens.

Du moment où la marine et le commerce des États-Unis seront convaincus que l'on s'occupe respectivement des questions qui se sont élevées au sujet du Règlement du 4 (16) Septembre, dans la ferme résolution de les décider d'un commun accord, sous les auspices du bon droit et d'une amitié inaltérable; dès ce moment, la surveillance dont se trouvent chargés, en vertu des nouvelles instructions, les vaisseaux de la marine Impériale, qui se rendront sur le nord-ouest d'Amérique, ne sauroit jamais motiver de fâcheuses complications.

C'est en se livrant à cette certitude que Mr. Middleton voudra bien sans doute partager, qu'il ne reste plus au Soussigné qu'à ajouter aux communications qu'il a eu ordre de faire en réponse à la note du 21 Juillet l'assurance de sa considération très distinguée.

(Signé) NESSELRODE.

(Translation.)

St. Petersburgh, August 1, 1822.

The Undersigned, Secretary of State, directing the Department of Foreign Affairs, hastens to lay before the Emperor the note that Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, addressed to him on the 27th July, in order to recall to the attention of the Imperial Government the correspondence which had taken place between the Envoy of Russia at Washington and the Government of the United States, concerning certain clauses of the Regulation promulgated the 4th (16th) September, 1821, and designed to protect the interests of Russian commerce on the north-west coast of North America.

Animated by the constant desire to maintain intact the friendly relations existing between the Court of Russia and the Government of the United States, the Emperor was pleased to anticipate the wishes which have just been made known to him. A month ago Major-General Baron de Tuyll, appointed to the post formerly occupied by M. de Poletica, received the order to take up, immediately upon his arrival in Washington, the important task that his predecessor would have accomplished had the state of his health permitted him to prolong his stay in America.

Having every confidence in the friendly dispositions with which the American Government will enter into the negotiations to be inaugurated by General Tuyll, and being assured beforehand that, as a consequence of these same negotiations, the interests of the commerce of the Russian-American Company will be preserved from injury, the Emperor has directed that the vessels of the Imperial Navy cruising at the present time and in the future along the north-west coast be furnished with the instructions most conducive to the end that the two Governments desire to attain by explanations conducted on both sides in a spirit of justice, of concord, and of friendship.

In thus removing, on his part, every contingency that might have led to the acts of violence

which the American Government appears to apprehend in the future, His Imperial Majesty entertains the hope that the President of the United States will adopt such measures as his wisdom may suggest to him as those best adapted to rectify all the errors arising from a malevolent spirit which seeks to misrepresent the intentions and to compromise the good understanding of the two Governments.

When the navy and commerce of the United States realize that the questions which arose in regard to the Regulation of the 4th (16th) September are being considered with the firm resolve to decide them by common consent, in the light of actual right and of unalterable friendship, from that moment the surveillance with which the vessels of the Imperial navy on the north-west coast of America are charged, by virtue of the new instructions, will cease to be the cause of troublesome complications.

Entertaining this feeling of perfect security, which Mr. Middleton will doubtless share, there remains nothing to the Undersigned but to add to the communications which he has been directed to make in reply to the note of the 21st July the assurance of his most distinguished consideration.

(Signed) NESSELRODE.

No. 23.

Sir C. Bagot to Mr. G. Canning.—(Received November 17.)

(No. 48. Confidential.) *St. Petersburgh, October* 17 (29), 1823.

MR. HUGHES, the American Chargé d'Affaires at Stockholm, arrived here on the 16th instant, and has delivered to Mr. Middleton the instructions which I had already led him to expect from his Government upon the subject of the Imperial Ukase of the 4th September, 1821, and upon the concert of measures which the United States are desirous of establishing with Great Britain in order to obtain a disavowal of the pretensions advanced in that Ukase by this country.

As Mr. Hughes was the bearer of instructions upon the same subject to the American Minister in London, I may, I am aware, presume that Mr. Rush will have already communicated to you the view taken of this question by the United States, and I think it probable that you may have already anticipated this despatch by framing for my guidance such further instructions as, under that view, it may be thought necessary that I should receive. It may, nevertheless, be very desirable that I should lose no time in reporting to you the substance of some conversations which Mr. Middleton has held with me since the arrival of Mr. Hughes, and it is principally for this purpose that I now dispatch the messenger Walsh to England.

Although Mr. Middleton has not communicated to me the instructions which he had received, I have collected from him, with certainty what I had long had reason to suspect, that the United States, so far from admitting that they have no territorial pretensions so high as the 51st degree of north latitude and no territorial interest in the demarcation of boundary between His Majesty and the Emperor of Russia to the north of that degree, are fully prepared to assert that they have at least an equal pretension with those powers to the whole coast as high as the 61st degree, and an absolute right to be parties to any subdivision of it which may now be made.

Unless I greatly misconceive the argument of Mr. Middleton, it is contended by the American Government that, in virtue of the Treaty of Washington, by which the Floridas were ceded by Spain to the United States, the latter are become possessed of all claims, whatever they might be, which Spain had to the north-west coasts of America, north of the 42nd degree of north latitude, and that when Great Britain, in the year 1790, disputed the exclusive right of Spain to this coast, the Court of Russia (as, indeed, appears by the declaration of Count Florida Blanca, and as it would, perhaps, yet more clearly appear by reference to the archives of the foreign department here) disclaimed all intention of interfering with the pretensions of Spain, and, consequently, all pretensions to territory south of the 61st degree, and that, therefore, any division of the coast lying between the 42nd and 61st degrees ought in strictness to be made between the United States and Great Britain alone.

Mr. Middleton, however, admits that the United States are not prepared to push their pretensions to this extent. He says that they are ready to acknowledge that no country has any absolute and exclusive claim to these coasts, and that it is only intended by his Government to assert that, as heirs to the claims of Spain, the United States have, in fact, the best pretensions which any of the three Powers interested can urge.

Assuming, upon these grounds, their right to a share in the division, the United States, it seems, desire that, the division being made, the three Powers should enter into a Joint Convention mutually to grant to each other, for some limited period, renewable at the pleasure of the Parties, the freedom of fishery and of trade with the natives, and whatever other advantages the coasts may afford; and Mr. Middleton has confidentially acquainted me that he has, in fact, received from his Government the "projet" of a tripartite Convention to this effect, and he has communicated to me a copy, which I now inclose, of the full powers with which he has been furnished to negotiate such Convention with the Plenipotentiaries of Great Britain and Russia.

As neither the instructions nor the powers which I have received in regard to this question were framed in contemplation of any such pretension as that which is now put forward by the American Government, I have explained to Mr. Middleton how impossible it is for me to proceed further with him in the business until I shall have received fresh instructions from you; and I

have, with his knowledge, informed M. Poletica that I must, for the present, suspend the conferences (upon the territorial part of the question at least) into which he and I had already entered.

I cannot disguise from myself that, judging from the conversations which I have had, both with Count Nesselrode and M. Poletica, upon the general subject of the Ukase, these new, and, I must think, unexpected, pretensions of the United States are very likely to render a satisfactory adjustment of the business—a matter of more difficulty than I at first apprehended.

A full disavowal by Russia of her pretension to an exclusive maritime jurisdiction in the North Pacific Ocean will, I have no doubt, be obtained; but I am strongly inclined to believe that this Government will not easily be brought to acknowledge the justice of any claim of the United States to any part of the territory in question north of the 51st degree, and I am still more strongly inclined to believe that, a division once made, this Government will never permit the United States, if they can prevent it, either to fish, settle, or trade with the natives within the limits of the territory which may be allotted to Russia.

I take this opportunity of inclosing to you a copy of the note which I received from Count Nesselrode the day before he left St. Petersburgh, acquainting me that the Emperor had appointed M. Poletica to enter into preliminary discussion with Mr. Middleton and myself upon the different questions growing out of the Ukase.

As it appeared by this note that M. Poletica was not empowered to treat, or, indeed, to pledge, his Government to any precise point, I have abstained from entering with him as fully into the matter as I should have done had his powers been more extensive.

I had, however, two conversations with him, previously to Mr. Middleton's receipt of his last instructions, upon the subject of territorial boundary as it regarded ourselves, and I then gave him to understand that the British Government would, I thought, be satisfied to take Cross Sound, lying about the latitude of 57½°, as the boundary between the two Powers on the coast; and a meridian line drawn from the head of Lynn Canal, as it is laid down in Arrowsmith's last map, or about the 135th degree of west longitude, as the boundary in the interior of the continent.

M. Poletica, not being authorized to do more than take any suggestion of this kind *ad referendum*, I am, of course, not yet able to inform you, as I am instructed to do by your despatch No. 12, how far a more formal proposition on this basis, or on the basis of a line drawn at the 57th degree, as suggested in that despatch, might be agreeable to the Imperial Government. M. Poletica seemed to suggest the 55th degree as that which, in his opinion, Russia would desire to obtain as her boundary; and he intimated that it would be with extreme reluctance that Russia would, he thought, consent to any demarcation which would deprive her of her establishment at Sitka, or rather at Novo-Archangelsk.

Still, I should not altogether have despaired of inducing this Government to accept Cross Sound as the boundary; and though I am aware that in suggesting this point I put in a claim to something more than I am instructed to do in your despatch above referred to, I though that it might be for the advantage of the negotiation if I reserved the proposition of the 57th degree to a later period of it, and, judging from the map, it appeared to me that it might be desirable to obtain, if possible, the whole group of islands extending along the coast.

But the discussion of this and all other points connected with settlement of boundary seems necessarily to be suspended for the moment by the nature of Mr. Middleton's late instructions, and I shall not think it safe to venture further into the question until I shall have learned the opinion of His Majesty's Government upon the pretensions advanced in those instructions by the United States.

I have, &c.
(Signed) CHARLES BAGOT

Inclosure 1 in No. 23.

Full Powers to Mr. Middleton.

JAMES MONROE, President of the United States of America, to all to whom these presents may come, greeting:

Know ye that, reposing special trust and confidence in the integrity, prudence, and abilities of Henry Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of His Imperial Majesty the Emperor of All the Russias, I have invested him with full and all manner of power, for and in the name of the United States, to meet and confer with any person or persons furnished with like powers on the part of his said Imperial Majesty, and with him or them to negotiate and conclude a Convention or Conventions, Treaty or Treaties of and concerning the commerce and navigation of the two countries; of and concerning their respective rights and claims in respect to navigation, fishery, and commerce on the north-west coast of America and the ocean and islands thereto adjoining or appertaining; of and concerning the abolition of the African Slave Trade, and of and concerning the principles of maritime war and neutrality. And I do further invest him with full power also to meet and confer on the said subjects with any person or persons furnished with like powers on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland; and with the said Russian and British Plenipotentiaries jointly, to conclude a Treaty or Treaties, Convention or Conventions, in relation

to the respective rights and claims of the three Powers in and to the said navigation, fishery, commerce, and territorial possessions on the said north-west coast of America and adjoining ocean and islands; or in relation the abolition of the African Slave Trade; or in relation to the principles of maritime war and neutrality; he, the said Henry Middleton, transmitting any and every such Convention or Treaty, whether concluded jointly with British and Russian or severally with Russian Plenipotentiaries, to the President of the United States for his ratification, by and with the advice and consent of the Senate of the United States, if the same shall be given.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, the 29th day of July, A.D. 1823, and of the Independence of the United States of America the 48th.

(Signed) JAMES MONROE.

By the President:
(Signed) JOHN QUINCY ADAMS,
Secretary of State.

Inclosure 2 in No. 23.

Count Nesselrode to Sir C. Bagot.

M. l'Ambassadeur, *Saint-Pétersbourg, le 22 Août, 1823.*

EN quittant Saint-Pétersbourg, l'Empereur m'a chargé d'annoncer à votre Excellence que, m'ayant donné ordre de la suivre dans son voyage, elle avoit autorisé M. le Conseiller d'État Actuel de Poletica à entamer avec vous, M. l'Ambassadeur, des pourparlers relatifs aux différends qui se sont élevés entre la Russie et l'Angleterre, à la suite du nouveau Règlement donné à la Compagnie Russe-Américaine par l'Oukase de Sa Majesté Impériale en date du 4 (16) Septembre, 1821.

Ces pourparlers auront pour but de préparer les voies à l'ajustement définitif de ces différends, et je ne doute point qu'ils ne facilitent ce résultat si vivement désiré par l'Empereur.

Je saisis, &c.
(Signé) NESSELRODE.

(Translation.)

Mr. Ambassador, *St. Petersburgh, August 22, 1823.*

On leaving St. Petersburgh the Emperor charged me to announce to your Excellency that, having directed me to follow him on his journey, he had authorized Active Councillor-of-State de Poletica to treat with you, Mr. Ambassador, in regard to the differences which have arisen between Russia and England, in consequence of the new Regulations given to the Russian-American Company by the Ukase of His Imperial Majesty of the 4th (16th) September, 1821.

The object of these negotiations will be to prepare the way for the permanent adjustment of these differences, and I do not doubt that they will facilitate that result which is so earnestly desired by the Emperor.

I take, &c.
(Signed) NESSELRODE.

No. 24.

M. Poletica to Count Nesselrode.—(Received November 7 (19).)

M. le Comte, *Saint-Pétersbourg, le 3 Novembre, 1823.*

IMMÉDIATEMENT après que votre Excellence eût quitté Saint-Pétersbourg au moins d'Août dernier, je m'occupais de l'exécution des ordres qui m'ont été tracés dans l'office Ministériel en date du 18 du même mois.

J'ai pensé qu'avant que d'entrer en pourparlers avec l'Ambassadeur d'Angleterre et l'Envoyé Américain, il convenait de me mettre préalablement bien au fait des dispositions de notre Compagnie d'Amérique, tant à l'égard de la question concernant les limites de ses possessions sur la côte nord-ouest du continent Américain, que des objets plus importans de la juridiction maritime, que l'Édit du 4 Septembre, 1821, avait étendu jusqu'à la distance de 100 milles d'Italie des côtes de la terre ferme. Mes entretiens sur ces deux points avec M. le Conseiller Privé C. de Lambert, que le Ministère des Finances avait constitué organe des intérêts et des vœux de notre Compagnie Américaine, me persuadèrent que les uns seraient mis en sûreté et les autres complettement remplis, si l'on parvenait à fixer les limites des possessions de la dite Compagnie au 54e degré de latitude nord, et en leur donnant pour profondeur tel degré de longitude (méridien de Greenwich) qui dans son prolongement vers le pôle laisserait en dehors de notre limite la Rivière Mackenzie.

Dans la fixation de la longitude M. le C. de Lambert avait eu principalement en vue l'établissement d'une barrière à laquelle s'arrêteraient, une fois pour toutes, au nord comme à l'ouest de la côte allouée à notre Compagnie Américaine, les empiètemens des agens de la Compagnie Anglaise réunie de la Baye de Hudson et de nord-ouest qu'une connaissance plus exacte du pays traversé par la Rivière Mackenzie aurait pu facilement amener par la suite du tems dans le voisinage de nos établissements.

M. le C. de Lambert ne me laissa pas ignorer en même tems que notre Compagnie Américaine n'étoit nullement disposé à faire des concessions quelconques, soit aux Anglais, soit aux Américains, sous le rapport du commerce et de la navigation dans les limites de ses possessions reconnues; qu'elle était, au contraire, fermement décidée à s'en réserver l'exploitation exclusive, et cette détermination de sa part mérite d'être remarquée, vu qu'elle fermera, selon toutes les probabilités, la principale et même l'unique difficulté dans la négociation avec le Gouvernement des États-Unis d'Amérique.

Muni de ces données, qui complettaient les directions et les amples renseignemens qui m'ont été fournis par le Ministère Impérial, je cherchai à me mettre en rapport avec le Chevalier Bagot et Mr. Middleton.

L'Envoyé Américain, se trouvant en ville, fut le premier que j'allai voir. Je lui fis connaître en termes généraux l'objet de ma visite, ainsi que mon vif désir de contribuer même d'une manière indirecte à l'aplanissement des difficultés qui s'étaient élevées entre les deux Gouvernemens au sujet des mesures prises chez nous pour protéger les intérêts compromis de notre Compagnie Américaine.

Mr. Middleton me répondit, à la suite des civilités ordinaires, qu'il regrettait beaucoup de ne pouvoir, pour le moment, se livrer à sa propre impatience, d'entrer aussitôt en matière avec moi, faute d'instructions définitives sur cet important objet, de la part de son Gouvernement; qu'il les attendait incessamment, et qu'aussitôt qu'elles lui seroient parvenues, il s'empresserait de me le faire savoir. Dans le courant de la conversation, Mr. Middleton me fit entendre, que lui et l'Ambassadeur d'Angleterre étaient convenus de se tenir, pour ainsi dire, par la main dans cette partie de la négociation qui aura trait à la question de la juridiction maritime.

Il était clair, d'après la réponse de l'Envoyé Américain, que toute démarche ultérieur de ma part auprès de lui serait superflue, jusqu'à l'arrivée des instructions qu'il attendait. Je pris aussi le parti de me tenir parfaitement tranquille à son égard.

Ce fut à peu près vers le même tems que je vis pour la première fois l'Ambassadeur d'Angleterre à sa campagne.

Le Chevalier Bagot me reçut avec la politesse la plus franche. Et quoiqu'il ne jugea pas à propos non plus de s'expliquer autrement qu'en termes généraux sur l'affaire que nous avions à discuter ensemble, son langage et le ton qu'il y a mis indiquaient clairement les dispositions les plus conciliantes. Il me confirma ce que Mr. Middleton m'avoit dit, concernant leur accord de suivre en commun la question de la juridiction maritime.

Le Chevalier Bagot remit jusqu'à son retour en ville, qui devait avoir lieu dans une quinzaine de jours, le commencement de nos pourparlers en forme. Effectivement le surlendemain de son retour en ville, l'Ambassadeur d'Angleterre vint me rendre sa visite, qui se passa en pures civilités; cependant, il m'insinua que les nouvelles instructions de Mr. Middleton n'étant point encore arrivées, il serait convenable d'attendre encore quelque tems.

Quelques jours après j'eus l'honneur de diner chez l'Ambassadeur Britannique. Au sortir de table il me prit à l'écart pour me dire, qu'en attendant les instructions que Mr. Middleton n'avoit point encore reçues, rien ne nous empêchait d'aborder la question territoriale à laquelle les Américains étaient en quelque façon étrangers. Il me proposait en conséquence de passer chez moi un jour qui seroit à notre convenance mutuelle.

Toutes mes instances pour engager le Chevalier Bagot à me recevoir chez lui ont été inutiles.

Au jour convenu, le 2 Octobre dernier, Sir Charles Bagot vint me trouver vers midi. Il débuta par me demander si, dans le cas qu'il me communiquerait une proposition spécifique quelconque relative à la question territoriale, j'étais autorisé à lui déclarer que cette proposition serait agréable ou non au Gouvernement Impérial. Je répondis aussitôt à l'Ambassadeur Britannique que mes instructions ne me permettaient aucune déclaration positive à cet égard; qu'elles se bornaient uniquement à me permettre de discuter confidentiellement soit avec lui, soit avec Mr. Middleton, l'affaire dont il s'agit, de leur fournir toutes les explication que cette discussion pourrait me suggérer; et cela dans la vue de faciliter la négociation directe et formelle lorsqu'elle viendrait à être établie après le retour de Sa Majesté Impériale; que ces pourparlers préliminaires, que j'avais été autorisé à entamer avec lui et Mr. Middleton, avaient paru au Gouvernement Impérial un moyen convenable d'accélérer la négociation directe et d'abréger les discussions subséquentes et les écritures, en tant qu'il serviroit à faire connaître d'avance les vues générales des Gouvernemens respectifs sur l'affaire qu'il s'agissait d'arranger; qu'il s'en suivait par conséquent que je ne pouvais accueillir autrement toute proposition qui serait autrement toute qu'en la prenant *ad referendum*.

Ce point expliqué, le Chevalier Bagot m'interpella de lui faire connaître quelle seroit, dans la pensée du Gouvernement Impérial, la ligne de séparation entre nos possessions sur la côte nord-ouest de l'Amérique et celles que l'Angleterre se croyait en droit de revendiquer. Je crus qu'il convenait mieux d'aborder franchement la question. Laissant donc le côté les circonlocutions, que le Gouvernement Impérial croirait avoir satisfait à toutes les concessions, que réclamait sa modération et son vif désir de maintenir la bonne intelligence avec toutes les Puissances étrangères, en fixant la limite entre les possessions Russes et Anglaises au 54° degré de latitude et en donnant pour longitude telle ligne qui, dans son prolongement en ligne droite vers le pôle, laisseroit la Rivière Mackenzie en dehors de la frontière Russe.

Le Chevalier Bagot me répondit, après avoir réfléchi un moment, que le point de démarcation, que je venois de lui indiquer, étoit bien loin de celui que son Gouvernement auroit voulu fixer. Il me dit ensuite que d'après toutes les recherches qui ont été faites en Angleterre et les opinions exprimées par les hommes de loi les plus experts, les droits de la Russie à la possession de la côte nord-ouest de l'Amérique, au-dessous du 60° de latitude, n'étoient rien moins que bien établis; que le seul titre légitime de toute possession territoriale étoit, d'après l'avis des publicistes Anglois

et leurs hommes de loi qu'on a consultés, non la première découverte ou même la prise de possession selon les anciennes formalités usitées par les navigateurs, mais l'occupation pratique des territoires nouvellement découverts; que cette preuve de droit manquoit aux titres produits jusqu'à présent par la Russie, à l'exception de l'établissement de Novo-Archangelsk, qui ne date toutefois que depuis l'année 1802 ou 1803. A l'appui de ce qu'il venoit de me dire, le Chevalier Bagot me lut une opinion de l'Avocat du Roi à Londres, conçue dans le sens qu'il avoit énoncé; et pour me démontrer que les prétentions de la Russie à la possession des points au-dessous du 60° de latitude sur la dite côte étoient d'une origine très récente, l'Ambassadeur Britannique me fit la lecture de quelques pièces de la correspondance (qui eut lieu en 1790) entre le Comte de Florida Blanca et Mr. Fitzherbert, depuis Lord St. Helens, lors du différend qui s'étoit élevé entre l'Espagne et l'Angleterre au sujet de Nootka Sound (voyez "l'Annual Register" de l'année 1790, pp. 292-301). Cette correspondance, disait Mr. Bagot, contenoit d'après les assertions de la Cour de Madrid, une reconnoissance explicite, de la part de la Russie, des droits de l'Espagne à la possession de la côte nord-ouest de l'Amérique depuis la pointe de la Californie de l'Espagne, jusqu'au 61° de latitude inclusivement.

Au milieu de ce raisonnement, l'Ambassadeur Britannique suspendit brusquement la discussion, pour me dire, que son Gouvernement n'avoit, après tout, nulle intention de traiter la question territoriale d'après les principes abstraits du droit public et celui des gens; que ce seroit le moyen de rendre la discussion interminable; que le Cabinet de Londres attendoit un résultat plus satisfaisant pour les deux Parties intéressées d'un arrangement à l'amiable qui ne seroit basé que sur la convenance réciproque, et que c'étoit dans cet esprit que ses instructions avoient été tracées.

Je répondis à Sir Charles Bagot que dans la question dont il s'agit autant que je pouvois préjuger des dispositions du Gouvernement Impérial, je croyois pouvoir prendre hardiment sur moi de l'assurer, qu'elles accordoient parfaitement avec celles du Cabinet de Londres. Je le priai ensuite de me faire connoître le point de démarcation, que son Gouvernement jugeoit devoir séparer les possessions respectives sur la côte nord-ouest de l'Amérique.

Le Chevalier Bagot, se mettant alors à la carte géographique que nous avions sous les yeux, traça dessus, avec son doigt, une ligne qui commençoit au 57° de latitude et dont l'intersection désignait le 135° de longitude, méridien de Greenwich, précisément au point où doit se trouver notre établissement de Novo-Archangelsk.

Cette démarcation laisseroit à coup sûr un espace considérable entre les points de limites indiqués de part et d'autre lors même que le Gouvernement Impérial se décideroit, dans l'intérêt de la conciliation à faire remonter la ligne de démarcation au 55° de latitude, telle qu'elle avoit été déjà désignée dans l'acte d'incorporation accordé à notre Compagnie Américaine en 1799 par l'auguste prédécesseur de Sa Majesté Impériale.

Je crus devoir répondre au Chevalier Bagot qu'il avoit bien raison de trouver que nous étions l'un et l'autre loin de notre compte; que pour ma part, j'en étais d'autant plus peiné, que je n'entrevoyois aucune considération qui dût engager le Gouvernement Impérial à reculer les limites de ses possessions sur la côte nord-ouest de l'Amérique, de 2 degrés au delà même du point indiqué dans la Charte de l'Empereur Paul I, dont il vient d'être question.

Je lui fis observer que si l'Edit du 4 Septembre, 1821, avoit pu blesser les intérêts coloniaux et maritimes de quelques Puissances étrangères, on s'est empressé chez nous, aux premières réclamations qu'elles nous ont fait parvenir, de suspendre les dispositions de cet Edit, et spécialement celles qui donnoient le plus de prise à ces réclamations que dans les explications subséquentes, le Gouvernement Impérial a constamment manifesté les intentions les plus conciliantes; qu'il étoit disposé à faire toutes les concessions réclamées par la justice, et dans la question des limites territoriales et dans celle relative à la juridiction maritime. Mais qu'il auroit naturellement beaucoup de répugnance à se dessaisir d'une limite établie par la Charte de Paul I, et sanctionnée en quelque façon par une possession non contestée d'environ un quart de siècle.

La dite Charte n'ayant point été officiellement communiquée dans le tems aux Puissances étrangères, je ne m'obstinerai point à soutenir (disais-je) qu'elle constituât un droit parfait. Mais qu'il n'étoit pas moins vrai que les Puissances étrangères ne pouvoient ignorer l'existence de cette Charte, et que depuis l'époque de sa publication en Russie, jusqu'à celle de l'Edit du 4 Septembre, elle n'a donné lieu à aucune réclamation de leur part.

Je demandois en suite au Chevalier Bagot s'il ne reconnoissait pas lui-même que ce seroit vouloir imposer un sacrifice trop sensible à la dignité du Gouvernement Impérial que de prétendre qu'il dise aujourd'hui à ses propres sujets: "Nous vous avons laissés croire depuis vingt-deux ans que les limites de nos possessions sur la côte nord-ouest de l'Amérique s'étendoient depuis le Détroit de Bering jusqu'au 55° de latitude; eh bien, nous vous disons maintenant que c'étoit une erreur et que la limite méridionale doit s'arrêter au 57°, parce qu'on vient de nous démontrer que le territoire que dépasse cette limite ne nous a jamais appartenu."

Finalement je priai le Chevalier Bagot d'observer, que dans toute cette affaire il ne pouvoit être question, pour la Russie, que de concessions; qu'en replaçant les limites de ses possessions sur le continent d'Amérique au 55° (si toutefois le Gouvernement Impérial s'y déterminoit, ce que je ne pouvois prendre sur moi de pressentir) et en modifiant simultanément son principe de juridiction maritime, la Russie satisfesoit non seulement aux désirs raisonnables de tous les gens modérés en Angleterre, mais qu'elle fermeroit aussi la bouche aux déclamateurs exagérés du parti de l'opposition, qui ne cessent d'entretenir le public, soit dans les nouvelles du jour, soit dans les séances du Parlement, de ce qu'ils appellent l'ambition démesurée de la Russie.

Car il seroit alors indubitable que les résultats matériels et moraux de la négociation seroient tous à l'avantage de l'Angleterre.

L'Ambassadeur d'Angleterre parut sentir le poids de ces considérations et ne fit même

aucune difficulté d'avouer qu'il les trouvoit plausibles. Il me répondit, toutefois, que ses instructions ne l'autorisent point à admettre aucune autre ligne de démarcation et qu'il ne lui restoit par conséquent d'autre parti à prendre que de s'en remettre aux avis ultérieurs de la part de son Gouvernement.

En nous séparant, après un entretien de deux heures et demie, nous nous sommes réciproquement invités à réfléchir sur les objets de notre discussion. J'ajoutai, en définitif, que bien que nous fussions loin d'être d'accord sur la question territoriale, je la croyois néanmoins avancée et susceptible d'un développement facile et prompt, ne fut-ce que par la franchise, que nous avons mis, tous deux, dans la manière dont nous avions énoncée et que cette initiative ne pouvoit être que de bon augure.

Dans le compte que je viens de rendre à votre Excellence de mon premier entretien avec l'Ambassadeur d'Angleterre, je me suis particulièrement attaché à consigner, avec une scrupuleuse exactitude, tout ce qui s'est dit entre nous, concernant la question territoriale, que je crois devoir envisager comme le point le plus important de la négociation.

Des considérations d'une importance secondaire, mais que je ne puis passer sous silence, ont été incidentellement mentionnées durant la discussion. C'est ainsi qu'après m'avoir fait part du projet de démarcation conçu par son Gouvernement, le Chevalier Bagot est convenu sans hésiter que les limites entre les possessions respectives une fois établies, nous serions parfaitement les maîtres d'introduire, dans le territoire qui nous sera dévolu, tels Règlemens administratifs que notre propre sagesse nous aura suggérés—c'est-à-dire qu'il nous sera parfaitement libre d'admettre dans nos parages la navigation étrangère, ou bien de nous en réserver exclusivement l'exploitation.

L'Ambassadeur d'Angleterre me déclara de plus qu'à cet égard son Gouvernement ne songeait à se ménager aucune exception en faveur des sujets Britanniques.

Tout en m'expliquant les motifs qui ont engagé le Gouvernement Britannique à faire, pour ainsi dire, cause commune avec les Américains, dans la question de la juridiction maritime, motifs que le Chevalier Bagot dit avoir communiqués à votre Excellence, il convenait avec moi de la manière la plus explicite que la question territoriale ne regardait nullement les Américains. Mais il pensait, comme moi, que ces derniers chercheront à obtenir de nous la reconnoissance de ce qu'ils prétendent être un ancien droit à eux appartenant, non seulement de naviguer librement dans nos parages, mais aussi de trafiquer avec les naturels du pays.

Lorsque j'observai au Chevalier Bagot que sa ligne de démarcation nous enlevait, ou la totalité, ou la meilleure moitié de l'île de Saint-Georges, autrement Sitka (sauf erreur), il me parla d'un dédommagement pécuniaire pour les pertes que nous pourrions y essuyer. Je n'ai pas cru devoir me permettre ni d'encourager, ni de rejetter cette insinuation: je la passai donc sous silence.

Le surlendemain de cette entrevue, Sir Charles Bagot est revenue chez moi dans la matinée pour me dire que l'objet de sa visite était uniquement de rectifier une erreur involontaire qu'il avoit commise en parlant du 137°, tandis qu'il entendait le 135°.

Translation.)

Count, *St. Petersburgh, November* 3, 1823.

Immediately after your Excellency left St. Petersburgh, in the month of August last, I proceeded to the execution of the orders which were given me in the Department on the 18th of the same month.

I thought that before entering into negotiations with the English Ambassador and the American Envoy, it would be well for me to be thoroughly informed as to the views of our American Company, both with regard to the question concerning the boundaries of its possessions on the north-west coast of the American continent and the more important subject of the maritime jurisdiction, which the Edict of the 4th September, 1821, had extended to the distance of 100 Italian miles from the coast of the mainland. My conversations on these two points with Privy Councillor Count de Lambert, whom the Ministry of Finance had appointed to represent the interests and the wishes of our American Company, convinced me that the interests would be protected and the wishes entirely satisfied if we succeeded in fixing the boundaries of the possessions of the said Company at the 54th degree of north latitude, and by giving them in depth such a degree of longitude (meridian of Greenwich) as, in its prolongation towards the pole, would leave the Mackenzie River outside of our boundary.

In fixing the longitude, Count de Lambert had mainly in view the establishment of a barrier at which would be stopped, once for all, to the north as to the west of the coast allotted to our American Company, the encroachments of the English Agents of the Amalgamated Hudson Bay and North-west English Company, whom a more intimate acquaintance with the country traversed by the Mackenzie River might easily bring in the course of time into the neighbourhood of our establishments.

At the same time Count de Lambert did not leave me in ignorance of the fact that our American Company was not in the least disposed to make any concessions whatever, either to the English or Americans, with respect to commerce or navigation within the borders of its acknowledged possessions; that it was, on the contrary, firmly resolved to reserve their exclusive exploitation for itself; and this determination on its part is worthy of notice, as in all probability it will constitute the chief and even the only difficulty in the negotiations with the Government of the United States of America.

Furnished with these data, which supplemented the directions and the ample information given me by the Imperial Ministry, I proceeded to place myself in communication with the Chevalier Bagot and Mr. Middleton.

As the American Envoy was in the city, I went to see him first. I informed him in general

terms of the object of my visit, and expressed my warm desire to contribute, even indirectly, to the removal of the differences which had arisen between the two Governments on the subject of the measures taken by us to protect the threatened interests of our American Company.

Mr. Middleton replied, after the usual courtesies, that he greatly regretted that he could not, at that time, indulge his own impatience to enter upon the subject with me at once, as he had no positive instructions from his Government on this important point; that he was expecting them daily, and that as soon as they reached him he would hasten to notify me. In the course of the conversation Mr. Middleton gave me to understand that he and the English Ambassador had agreed to go hand in hand, so to speak, in that part of the negotiations relating to the maritime jurisdiction.

It was evident from the American Envoy's reply that any further steps on my part near him would be useless until the arrival of the instructions which he was expecting. I therefore decided to remain perfectly quiet so far as he was concerned.

At about the same time I first saw the English Ambassador at his country house.

Chevalier Bagot received me with the most open courtesy, and, although he also did not think proper to express himself otherwise than in general terms upon the matter which we were to discuss together, his language and the tone which he used clearly indicated the most conciliatory sentiments. He corroborated what Mr. Middleton had told me concerning their agreement to act in concert on the question of the maritime jurisdiction.

Chevalier Bagot postponed the commencement of our negotiations in regular form until his return to the city, which would be within a fortnight. Accordingly, two days after his return to the city, the English Ambassador paid me a visit, which passed in mere civilities, but he intimated that as Mr. Middleton's new instructions had not yet arrived it would be proper to wait some time longer. Some days afterwards I had the honour to dine at the British Ambassador's. Upon leaving the table, he took me aside to tell me that, while awaiting the instructions which Mr. Middleton had not yet received, there was nothing to prevent our discussing the territorial question, to which the Americans were, in a measure, strangers. He therefore proposed to me that he should go to my house on some day that would suit us both. All my efforts to induce the Chevalier Bagot to receive me at his house were in vain.

On the day fixed, the 2nd October last, Sir Charles Bagot called on me at about noon. He began by asking me whether, in the event that he communicated to me any specific proposition whatever relative to the territorial question, I was authorized to tell him whether that proposition would or would not be acceptable to the Imperial Government. I immediately replied to the British Ambassador that my instructions did not permit me to make any positive declaration on the subject; that they were simply confined to permitting me to discuss the matter in question confidentially either with him or with Mr. Middleton, to furnish them with all the explanations that the discussion might suggest to me; and this with a view to facilitating the direct and formal negotiations when they should come to be instituted after the return of His Imperial Majesty; that these preliminary discussions which I had been authorized to begin with him and Mr. Middleton, had appeared to the Imperial Government to be a suitable means of hastening the direct negotiations and of shortening the subsequent discussions and the writings, in so far as they would make known beforehand the general views of the respective Governments as to the matter which was to be settled; that it followed, consequently, that I could not entertain any proposition otherwise than by taking it *ad referendum*.

This point having been explained, Chevalier Bagot requested me to inform him what, in the opinion of the Imperial Government, should be the line of separation between our possessions on the north-west coast of America and those which England thought herself entitled to claim. I thought that it would be better to meet the question frankly. Consequently, avoiding circumlocutions (I said), that the Imperial Government would think that it had made all the concessions required by its moderation and its earnest desire to maintain a good understanding with all foreign Powers by fixing the boundary between the Russian and English possessions at the 54th degree of latitude, and by giving for the longitude such a line as in its prolongation in a straight line toward the pole would leave the Mackenzie River outside of the Russian frontier.

Chevalier Bagot, after a moment's reflection, replied that the point of demarcation which I had just designated was very far from being that which his Government would have wished to fix. He then told me that, according to all the researches which had been made in England, and the opinions expressed by the most learned lawyers, the right of Russia to the possession of the north-west coast of America below the 60th degree of latitude was anything but well established; that the only legitimate title to any territorial possession was, according to the opinion of the English publicists and that of the lawyers who had been consulted, not the first discovery, nor even the taking possession in accordance with the ancient formalities used by navigators, but the actual occupation of the newly-discovered territories; that this proof of the right was wanting in the evidence produced up to the present time by Russia, with the exception of the establishment of Novo-Archangelsk, which, however, only dates from the year 1802 or 1803. In support of what he had just told me, Chevalier Bagot read me an opinion of the King's Counsel, in London, drawn up in the sense which he had stated; and, to prove to me that the claims of Russia to the possession of the points below the 60th degree of latitude on the said coast were of very recent origin, the British Ambassador read to me some portions of the correspondence (which occurred in 1790) between Count Florida Blanca and Mr. Fitzherbert, afterwards Lord St. Helens, at the time of the difference which had arisen between Spain and England with regard to Nootka Sound (see the "Annual Register" for 1790, pp. 292–301). This correspondence, said Mr. Bagot, contained, according to the assertions of the Court of Madrid, an explicit recognition on the part of Russia of the right of Spain to the possession of the north-west coast of America, from the point of California, belonging to Spain, to the 61st degree of latitude, inclusive.

In the midst of this argument the British Ambassador suddenly suspended the discussion in order to tell me that his Government had, after all, no intention of discussing the territorial question according to the abstract principles of public law or of international law; that that would have the effect of rendering the discussion interminable; that the Cabinet of London expected a more satisfactory result for the two parties interested, from an amicable arrangement which would be based only upon mutual consent, and that his instructions had been drawn up in that spirit.

I replied to Sir Charles Bagot that in the matter in question, so far as I could foresee the views of the Imperial Government, I believed that I could take upon myself boldly to assure him that they were in perfect agreement with those of the Cabinet of London. I then asked him to tell me the point of demarcation which, in the opinion of his Government, ought to divide the respective possessions on the north-west coast of America.

Chevalier Bagot then placed himself before the geographical map which we had at hand, and traced upon it with his finger a line beginning at the 57th degree of latitude, the intersection of which designated the 135th degree of longitude west of Greenwich, precisely at the point where our establishment of Novo-Archangelsk appears to be.

This demarcation would certainly leave a considerable space between the boundaries designated on both sides, even if the Imperial Government should decide, in the interests of conciliation, to bring the line of demarcation up to the 55th degree of latitude, as it had already been fixed in the act of incorporation granted to our American Company in 1799 by His Imperial Majesty's august predecessor.

I thought it my duty to tell Chevalier Bagot in reply that he had good reason to say that we were both greatly out in our reckoning; that for my part I regretted it the more because I could see no consideration that could induce the Imperial Government to draw back the boundary of its possessions on the north-west coast of America 2° beyond the point mentioned in the Charter of the Emperor Paul I, which has just been referred to.

I remarked that if the Edict of 4th September, 1821, had been detrimental to the colonial and maritime interests of any of the foreign Powers, we had hastened, at the first remonstrances which they had addressed to us, to suspend the execution of the provisions of that Edict, especially those which gave most cause for those remonstrances; that in the subsequent explanations the Imperial Government constantly manifested the most conciliatory intentions; that it was disposed to make all the concessions which justice required, both upon the question of the territorial boundaries and upon that of the maritime jurisdiction; but that it would naturally be very unwilling to abandon a boundary established by the Charter of Paul I and confirmed, to some extent, by an undisputed possession of about a quarter of a century.

As the said Charter was not at that time officially communicated to the foreign Powers, I will not persist in maintaining, said I, that it constitutes a *de facto* right; but that it was none the less true that the foreign Powers could not have been ignorant of the existence of that Charter, and that from the time of its promulgation in Russia to that of the Edict of the 4th September [1821], it had not occasioned any protest on their part.

I then asked Chevalier Bagot whether he did not himself admit that it would be attempting to impose too great a sacrifice upon the dignity of the Imperial Government to require it to say now to its own subjects: "We have allowed you to believe for twenty-two years past that the boundaries of our possessions on the north-west coast of America extended from Bering Strait to the 55th degree of latitude; well, we tell you now that it was a mistake, and that the southern boundary must stop at the 57th degree, because it has just been proved to us that that boundary never belonged to us."

Lastly, I requested Chevalier Bagot to take notice that in this whole matter, as far as Russia was concerned, it could only be a question of concessions; that by replacing the boundary of her possessions on the continent of America at the 55th degree (provided always that the Imperial Government decided to do so, which I could not take upon myself to predict), and by modifying at the same time her theory of maritime jurisdiction Russia not only complied with the reasonable wishes of all moderate people in England, but that she would also silence the extravagant declaimers of the opposition party, who were incessantly haranguing the public, either in the daily papers or in the sessions of Parliament, about what they call the unbounded ambition of Russia.

For there would then be no doubt that the material and moral results of the negotiations would all be to the advantage of England.

The English Ambassador seemed to feel the weight of these arguments, and did not hesitate to admit that he thought them plausible. He replied, however, that his instructions did not authorize him to agree to any other line of demarcation, and that consequently he had no other course to take than to await further instructions from his Government.

Upon separating, after an interview of two hours and a-half, we each requested the other to reflect on the subjects of our discussion. I added, in substance, that although we were far from agreeing upon the territorial question, I still thought that we had made some progress, and that it was susceptible of an easy and speedy settlement, were it only owing to the candour which we had both displayed in our way of discussing it, and that this beginning was very promising.

In the account which I have just given your Excellency of my first conversation with the English Ambassador I have endeavoured especially to repeat with scrupulous accuracy all that was said between us concerning the territorial question, which I think that I ought to regard as the most important point in the negotiations.

Matters of secondary importance, but which I cannot pass over in silence, were incidentally mentioned during the discussion. In this way Chevalier Bagot, after informing me of the plan of demarcation devised by his Government, agreed unhesitatingly that when the boundaries

between our respective possessions were once established we would be perfectly free to introduce into the territory allotted to us such administrative Regulations as our own wisdom might suggest; that is to say, that we shall have full liberty to permit foreign navigation in our waters or to reserve them exclusively for our own use.

The English Ambassador declared to me, moreover, on this subject that his Government was not thinking of procuring any exceptional privileges for British subjects.

While explaining to me the reasons which induced the British Government to make common cause, so to speak, with the Americans in the question of the maritime jurisdiction, which reasons Chevalier Bagot said that he had communicated to your Excellency, he agreed with me in the most explicit manner that the territorial question did not concern the Americans in the least; but he thought, as I did, that they would try to obtain from us the recognition of what they claim to be an ancient right belonging to them, not only to navigate our waters freely, but also to trade with the natives of the country.

When I remarked to Chevalier Bagot that his line of demarcation deprived us of the whole or the larger half of the Island of St. George, otherwise called Sitka (if I am not mistaken), he spoke of a pecuniary indemnity for the losses that we might sustain there.

I did not think that I ought to allow myself either to encourage or reject this suggestion. I therefore passed over it in silence.

Two days after this interview Sir Charles Bagot returned to my house in the morning to tell me that the object of his visit was only to rectify an involuntary mistake which he had made in speaking of the 137°, when he meant the 135°.

No. 25.

Shipowners' Society to Mr. G. Canning.—(Received November 24.)

Sir, *New Broad Street, November* 19, 1825.

IN the month of June last you were pleased to honour me with an interview on the subject of the Russian Ukase prohibiting foreign vessels from touching at or approaching the Russian establishments along the north-west coast of America therein mentioned, when you had the goodness to inform me that a representation had been made to that Government, and that you had reason to believe that the Ukase would not be acted upon; and very shortly after this communication I was informed, on what I considered undoubted authority, that the Russian Government had consented to withdraw that unfounded pretension.

The Committee of this Society being about to make their annual Report to the shipowners at large, it would be satisfactory to them to be able to state therein that official advices had been received from St. Petersburgh that the Ukase had been annulled; and should that be the case, I have to express the hope of the Committee to be favoured with a communication from you to that effect.

I have, &c.
(Signed) GEORGE LYALL, *Chairman.*

No. 26.

Mr. G. Canning to Count Lieven.

(Private and Confidential.)
My dear Count Lieven, *Foreign Office, November* 25, 1823.

I HAVE received the inclosed letter from the Shipowners' Society. My answer to it must be in writing, and not long after it will be in print.

I wish, therefore, that you should know beforehand what the nature of it will be, and for that purpose I inclose a draft of it which I will be obliged to you if you will return with any remark that may occur to you, returning also Mr. Lyall's letter.

I have, &c.
(Signed) GEO. CANNING.

No. 27.

Count Lieven to Mr. G. Canning.—(Received November .)

(Particulière et Confidentielle.)
Mon cher M. Canning, *Ashburnham House, le* 26 *Novembre*, 1823.

JE vous suis infiniment reconnaissant de la communication que vous avez bien voulu me faire. En vous restituant ci-près les deux annexes jointes à votre lettre, et en me prévalant de la permission que vous avez eu la bonté de me donner, je prends la liberté de vous observer: qu'il serait désirable que le passage marqué au crayon dans la Minute de votre réponse fût substitué par l'annonce "que les nouvelles instructions données aux Commandants des croisières Russes sont conçues dans l'intention de prévenir les voies fait entre les vaisseaux

Russes et ceux des autres nations, et qu'en général elles peuvent être considérées comme de nature à faire suspendre provisoirement l'effet de l'Ukase Impérial du 4 Septembre 1821."

Je crois que par ces expressions l'objet du tous serait également atteint.

Veuillez, &c.
(Signé) LIEVEN.

(Translation.)

(Private and Confidential.)

Ashburnham House, November 26, 1823.

My dear Mr. Canning,

I AM infinitely grateful to you for the communication which you have so kindly made to me. Returning herewith the two inclosures to your letter, and availing myself of the permission that you have had the goodness to grant me, I take the liberty of saying it would be desirable that the passage marked in pencil in the rough draft of your reply be replaced by the notice "that the new instructions given to the Commanders of the Russian cruisers are drawn up with the idea of preventing collisions between the Russian ships and those of other nations, and that, in general, they may be considered of such a nature as to provisionally suspend the effect of the Imperial Ukase of the 4th September, 1821."

I believe that by this mode of expression the object of all would be equally attained.

Pray accept, &c.
(Signed) LIEVEN.

No. 28.

Foreign Office to Shipowners' Society.

Foreign Office, November 26, 1823.

Sir,

I AM directed by Mr. Secretary Canning to acknowledge the receipt of your letter of the 19th instant, expressing a hope that the Ukase of September 1821 had been annulled.

Mr. Canning cannot authorize me to state to you in distinct terms that the Ukase has been "annulled," because the negotiation to which it gave rise is still pending, embracing as it does many points of great intricacy as well as importance.

But I am directed by Mr. Canning to acquaint you that orders have been sent out by the Court of St. Petersburgh to their naval Commanders calculated to prevent any collision between Russian ships and those of other nations, and, in effect, suspending the Ukase of September 1821.

I am, &c.
(Signed) F. CONYNGHAM.

No. 29.

Mr. G. Canning to Sir C. Bagot.

(No. 2.)

Foreign Office, January 15, 1824.

Sir,

A LONG period has elapsed since I gave your Excellency reason to expect additional instructions for your conduct in the negotiation respecting the Russian Ukase of 1821.

That expectation was held out in the belief that I should have to instruct you to combine your proceedings with those of the American Minister, and the framing such instructions was, of necessity, delayed until Mr. Rush should be in possession of the intentions of his Government upon the subject.

Upon receipt of your Excellency's despatch No. 48, reporting the arrival of Mr. Hughes at St. Petersburgh with the instructions of the Government of the United States to Mr. Middleton, I applied to Mr. Rush for information as to the tenour of these instructions. I then found, what I had not before been led to suspect, that Mr. Rush had himself authority to enter into negotiations with us as to the respective claims of Great Britain and the United States on the north-west coast of America, although he does not appear to have been instructed to invite such negotiation here if we should prefer leaving it to be conducted at St. Petersburgh.

It seemed, however, that it would greatly facilitate your Excellency's task at St. Petersburgh if we could come to some satisfactory understanding with Mr. Rush on the principles and leading points of the negotiation, and that, at all events, it was advisable to ascertain so much from Mr. Rush as might enable us to judge whether it would or would not be expedient to agree to the proposal of the United States for combining our several negotiations with Russia into one.

Such a combination had, indeed, already been proposed by us with respect to so much of our respective discussions with Russia as turned upon the maritime pretension of the Russian Ukase. But that proposal had not been made in contemplation of the territorial question to which the pretensions of the United States have given a new and complicated character.

The object in applying jointly to Russia for a disavowal or qualification of her maritime pretension was at once to simplify and to soften to Russia that act of qualification or disavowal by enabling Russia to satisfy both Powers at once, without special and separate concession. But

as, in the question of territorial limits, Russia, at whatever point her pretensions might be stopped, could have but one of the two Powers for her neighbour, there did not seem to be any obvious advantage in bringing both to bear upon her together in the settlement of those limits.

It is true that as, while we confine upon the Russian territory to the north, we also confine upon that of the United States to the south, we must at one time or other come to a settlement with each of those Powers. But there is no obvious or cogent necessity for making those settlements simultaneous, especially as we have already a Convention subsisting with the United States which suspends the necessity of any definite settlement with that Government for five years yet to come.

Whether, therefore, your Excellency should be empowered, according to the desire of the Government of the United States, to negotiate and conclude a tripartite arrangement with Russia and the United States, or should be instructed to pursue that negotiation with Russia singly, according to the tenour of your present powers, was a question to be determined in a great measure by the more or less probability of a satisfactory understanding between Great Britain and the United States as to their relative as well as their joint concerns in such negotiation.

Now, we have good reason to believe that, in respect to the question of territorial dominion between us and Russia, an arrangement may be agreed upon which will satisfy the wishes and secure the convenience of both Parties by a line of demarcation to be drawn between the southernmost Settlement of Russia and the northernmost post of the North-west Company.

The most southern establishment of Russia on the north-west coast of America is Sitka, which is not laid down in our latest maps with sufficient exactness, but which appears by the Russian map published in 1807 to be situated, as the inclosed copy of a letter from Mr. Pelly, Chairman of the Hudson Bay Company, also represents it, in latitude 57°, and not (as the map of which a copy was inclosed to your Excellency indicates) on the continent, but on a small island of the same name at the mouth of Norfolk Sound; the larger islands contiguous thereto, forming (what is called by Vancouver) King George's Archipelago, are separated from each other by a strait, called Chatham Strait, and from the mainland by another strait, called Stephen's Strait or Passage. Whether the Russians have extended their Settlements to these larger islands is not known, but Mr. Pelly positively avers that they have no Settlement on the mainland, nor any commerce to the eastward of the coast. He suggests, therefore, either the channel between the islands, or that between the islands and the mainland, as the most desirable line of demarcation to the eastward, which being agreed to, the line to the southward might be drawn so as to comprehend Sitka and all the Russian Settlements upon the islands. If this Agreement could be obtained, it would effectually prevent all danger of a collision with Russia; and the United States not intending, as it is understood, to urge any claim in opposition to that of actual occupancy, whether on the part of Russia or of Great Britain, in the latitudes in which the claims of Great Britain and Russia come in contact, the intervention of the United States in such an arrangement could be necessary only as an umpire.

Such an intervention in this case is not likely to be required, on account of an irreconcilable conflict between Great Britain and Russia; nor would a Power whose pretensions are (theoretically at least) in conflict with both parties be the fittest for such an office.

Your Excellency's despatch No. 48 describes latitude 55° as the point at which M. Poletica appeared to wish that the line of demarcation between Russia and Great Britain should be drawn. By a Memorandum which I have received from Mr. Rush of what his Government would propose as a general settlement, it appears that latitude 55° is the point which the United States likewise have proposed for that same line of demarcation.

This coincidence certainly argues either a foregone understanding between Russia and the United States or a disposition on the part of the United States to countenance and promote what they know to be the desire of Russia.

When to this statement I add that the United States propose, according to the aforesaid Memorandum of Mr. Rush, to draw the line of demarcation between themselves and Great Britain at latitude 51°—the point at which the Russian pretension, as set forth in the Ukase of 1821, terminates—it does not seem very uncharitable to suppose that the object of the United States in making a selection, otherwise wholly arbitrary, of these two points of limitation for British dominion was to avoid collision with Russia themselves, and to gratify Russia at the expense of Great Britain. There is obviously no great temptation to call in such an Arbiter, if the partition between Russia and ourselves can be settled, as no doubt it can, without arbitration.

By admitting the United States to our negotiation with Russia, we should incur the necessity of discussing the American claim to latitude 51° at the same time that we were settling with Russia our respective limits to the northward.

But the question of the American claim is for the present merged in the Convention of 1818; and it would be a wanton increase of difficulties to throw that Convention loose, and thus to bring the question which it has concluded for a time into discussion precisely for the purpose of a coincidence, as embarrassing as it is obviously unnecessary.

If Russia, being aware of the disposition of the United States to concede to her the limit of latitude 55°, should on that account be desirous of a joint negotiation, she must recollect that the proposal of the United States extends to a joint occupancy also, for a limited time, of the whole territory belonging to the three Powers, and that the Convention now subsisting between us and the United States gives that joint occupancy reciprocally to us in the territory to which both lay claim.

To this principle it is understood the Russian Government object—not, so far as we are concerned, should we be desirous of pressing it upon them, but as between ourselves and the United States we are not prepared to abandon it, at least for the term for which the Convention

of 1818 has to run. There would be some awkwardness in a tripartite negotiation which was not to be conducted and concluded in all its parts upon a uniform principle.

These reasons had induced us to hesitate very much as to the expediency of acceding to the proposition of the United States for a common negotiation between the three Powers, when the arrival of the speech of the President of the United States at the opening of the Congress supplied another reason at once decisive in itself, and susceptible of being stated to Mr. Rush with more explicitness than those which I have now detailed to your Excellency. I refer to the principle declared in that speech, which prohibits any further attempt by European Powers at colonization in America.

Upon applying to Mr. Rush for an explanation of this extraordinary doctrine, I found him unprovided with any instructions upon it. He said, indeed, that he had not heard from his Government since the opening of the Congress, and had not even received officially a copy of the President's speech.

His conviction, however, was, that against whatever Power the President's doctrine was directed, it could not be directed against us. He appealed in support of that conviction to the existence of the Convention of 1818, by which we and the United States hold for a time joint occupancy and common enjoyment of all the territory on the north-west coast of America above latitude 42°.

It was obviously the impression on Mr. Rush's mind that this pretension on the part of his Government was intended as a set-off against the maritime pretension of the Russian Ukase.

I do not mean to authorize your Excellency to report this construction at St. Petersburgh as that of the American Minister, but you will have no difficulty in stating it as one to which we think the President's speech liable, as that indeed which appears to us to be by far the most probable construction of it; as such, it furnishes a conclusive reason for our not mixing ourselves in a negotiation between two parties whose opposite pretensions are so extravagant in their several ways as to be subject not so much of practical adjustment as of reciprocal disavowal.

Mr. Rush is himself so sensible of the new consideration which is introduced into the negotiation by this new principle of the President's that although he had hitherto urged with becoming pertinacity the adoption of the suggestion of his Government, he has, since the arrival of the President's speech, ceased to combat my desire to pursue the course already begun of a separate negotiation at St. Petersburgh, and has promised to write by this messenger to Mr. Middleton to prepare him for your Excellency's continuing to act upon your former instructions.

It remains, therefore, only for me to direct your Excellency to resume your negotiation with the Court of St. Petersburgh at the point at which it was suspended in consequence of the expected accession of the United States, and to endeavour to bring it as speedily as possible to an amicable and honourable conclusion.

The questions at issue between Great Britain and Russia are short and simple.

The Russian Ukase contains two objectionable pretensions: First, an extravagant assumption of maritime supremacy; secondly, an unwarranted claim of territorial dominion.

As to the first, the disavowal of Russia is, in substance, all that we could desire. Nothing remains for negotiation on that head but to clothe that disavowal in precise and satisfactory terms. We would much rather that those terms should be suggested by Russia herself than have the air of pretending to dictate them; you will therefore urge Count Nesselrode to furnish you with his notion of such a declaration on this point as may be satisfactory to your Government. That declaration may be made the preamble of the Convention of Limits.

As to the territorial question, I have already stated that the line of demarcation the most satisfactory to us would be one drawn through "Chatham Strait," the channel separating the island on which Sitka is situated from the island to the eastward of it, or if the Russians have establishments on that island also, then through the channel called "Stephen's Passage," which separates the whole archipelago from the mainland.

If one or the other of these channels cannot be obtained as the boundary, then the line must be drawn on the mainland to the north of the northernmost post of the North-west Company from east to west till it strikes the coast, and thence may descend to whatever latitude may be necessary for taking in the island on which Sitka stands.

It does not appear from your Excellency's despatch how far the line proposed by M. Poletica to be drawn at latitude 55° was intended to run to the eastward. If to the Rocky Mountains it obviously would be wholly inadmissible by us, inasmuch as the communication of the North-west Company from Canada through those mountains with the whole of the north-west country is in a higher latitude than 55°.

Neither has Russia any claim whatever to any inland territory approaching that latitude. She has no occupancy inland. Mr. Pelly's Report denies that she has any even on the coast. And it is to the coast alone that discovery could, in the nature of things, give any title.

It is absolutely essential, therefore, to guard against any unfounded pretension, or any vague expectation of Russia to the eastward, and for this purpose it is necessary that whatever degree of latitude be assumed, a definite degree of longitude should also be assigned as a limit between the territorial rights of the two Powers.

If your Excellency can obtain the strait which separates the islands from the mainland as the boundary, the prolongation of the line drawn through that strait would strike the mainland near Mount Elias—the lowest point of unquestioned Russian discovery. But if that were too much to insist upon, the 135th degree of longitude, as suggested by your Excellency, northward from the head of Lynns Harbour, might suffice.

It would, however, in that case, be expedient to assign, with respect to the mainland

southward of that point, a limit, say, of 50 or 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward. We must not on any account admit the Russian territory to extend at any point to the Rocky Mountains. By such an admission we should establish a direct and complete interruption between our territory to the southward of that point and that of which we are in possession to the eastward of longitude 135° along the course of the Mackenzie River.

As your Excellency had already made so much way in previous discussion, it is to be hoped that, on resuming the negotiation, very little time need be required to bring it to a conclusion. It is extremely important to conclude it as quickly as possible.

It being once decided not to negotiate jointly with the United States, we must take care to be out of the way while the discussions between Russia and the United States are going on; and the example of having come to agreement with us promptly and amicably on both points of litigation would, perhaps, be not less valuable to Russia in her subsequent discussions with the United States than would have been the facility which we had in contemplation for Russia when we originally proposed that her disavowal of the maritime principle should be addressed simultaneously to us both.

At that time our claim to such disavowal and the claim of the United States were precisely alike; Russia had nothing to plead against either of us as a compensation for those claims. The principle put forth by the President of the United States has introduced a difference between the respective situations of the United States and Great Britain with respect to Russia which did not exist before. In the former state of things it might have been expedient, both for ourselves and for the United States, as well as less distasteful to Russia, to return an answer common to us both; but, as things stand now, Russia might naturally wish to qualify her answer to the United States with some reciprocal demand of explanation.

The only point of view in which the United States could now insist upon interfering with, or even taking cognizance of—the negotiation between us and Russia—would be in order to see that the pretensions on the north-west coast of America derived to the United States from Spain through the Treaty of 1819 were not prejudiced by our separate Agreement.

That object cannot be more effectually provided for than by inserting into our Convention with Russia, as a protection for the claims of the United States, that part of the IIIrd Article of the Convention concluded by us with the United States in 1818 which was inserted in that Convention for the protection of the claims of Spain herself in the rights which she had not then ceded. By that Article it is stipulated that the Agreement between the two Contracting Parties "should not be taken to affect the claims of any other Power or State in any part of the said country." Such a clause your Excellency will voluntarily propose to insert in the Convention which you are to conclude with Count Nesselrode; and you will apprise Mr. Middleton of your intention of proposing that insertion.

I am, &c.
(Signed) GEORGE CANNING.

Inclosure 1 in No. 29.

Hudson Bay Company to Mr. G. Canning.

Sir, *Hudson Bay House, January* 8, 1824.

IN reference to the conversation which I had the honour of having with you on Monday last, I beg to call your attention to my letter of the 25th September, 1822, on the subject of the trading stations of the Hudson Bay Company in the countries on the north-west coast of America.

In addition to what is therein stated, I have to inform you that it appears, by the intelligence received this last season, that our traders are extending their posts still farther to the northward in the country to the west of the Rocky Mountains.

It may be proper for me also to mention that the Hudson Bay Company have a chain of trading posts on the Mackenzie River as far north as about 67° north latitude, and that Indians trade at those posts who come from the countries lying to the west of that river and to the north of 60° north latitude, and that our traders are extending their posts to the westward into that country.

The Russian station called "Sitka" is an island, and can give no claim by occupation to any part of the continent. But even if they had stations on the sea coast of the continent, this could not be held to give to Russia a better claim to a southern boundary on a line of latitude eastward than our stations in 67° north latitude give to Great Britain to one on a line of latitude westward.

From a want of accurate knowledge of the courses of the rivers or ranges of mountains, it is difficult to suggest any satisfactory boundary in the interior of the country in question, and (if consistent with your views) it might, perhaps, be sufficient at present to settle a boundary on the coast only and the country 50 or 100 miles inland, leaving the rest of the country to the north of that point and to the west of the range of mountains which separate the waters which fall into the Pacific from those which flow to the east and north, open to the traders of both nations.

In this case I would suggest the northern end of the inlet called Chatham Straits as the most southern point at which the coast boundary ought to be fixed. This is but a little (if

at all) to the north of the most northern trading station in the country to the west of the Rocky Mountains.

The islands lying to the west of Chatham Straits may be given to Russia, but the Russians not to trade either on the coast or in the interior south of the boundary, and the British not to trade on the coast north of it.

If it is considered proper to fix at present the interior boundary, I would suggest a line drawn from the above-mentioned point at Chatham Straits due north until it strikes the range of mountains which separate the waters (being the supposed continuation of the range called the Rocky Mountains), and thence to follow the ridge of these mountains to the Frozen Ocean.

This is the greatest concession which I think it would be advisable to make to Russia with regard to the interests of the British fur trade, and it would be desirable, as the means of preventing the risk of collision between the traders of the two nations, if Mount Elias, on* the coast at 60° north latitude, was taken as the boundary point from whence the line of longitude should be drawn.

I have, &c.
(Signed) J. H. PELLY.

Inclosure 2 in No. 29.

Memorial relating to the North-west Coast of America.

THE principal Settlements of the Russian Fur Company in the North Pacific Ocean are on the Aleutian or Fox Islands, the Island of Kodiak being the great entrepôt or magazine of the peltries, which are collected in the neighbouring islands and from Cook's Inlet, Prince William's Sound, where, however, it does not appear the Russians have establishments inland, but the furs are collected by a coasting trader in the "baidarkat," or canoes.

Mr. G. S. Langsdorff, who accompanied Captain Krusenstern in his voyages in the years 1803, 1804, 1805, 1806, and 1807, in giving an account of the fur trade, gives the following statement and history of the Settlement of Lichta:—

"The constant decrease in the number of sea otters upon the coast of Kamchatka induced the Russians to extend their possessions eastward, first to the islands between the coasts of Asia and America, and finally to the north-west coast of America.

"Norfolk Sound appearing to present a favourable spot for an establishment, it was considered expedient to take possession of it. A fortress, with proper warehouses and dwelling-houses, was built. . . . . After a time the natives rose upon the Russians and killed almost the whole party. In the year 1804 the Director, M. de Rosanoff, again took possession of it with a large force, building a fortress and giving it the name of Kerr Archangel."

If present occupation gives to a Government the right of possession, the occupancy of Norfolk Sound could not give to Russia a claim to the coast bordering on the islands or the interior mainland, and it does not appear that Russia has any ports or Settlements on the north-west coast of America which would give to Russia any right of claim to the country by present occupancy, except at a Settlement called Bodego, which is on the coast of New Albion, in latitude 38° 30′.

The country of New Albion is covered with oak-ash pine timber of large dimensions, fit for shipbuilding, and on the coast of California a very fine description of hemp is found. The land is capable of the highest state of cultivation, producing excellent wheat, potatoes, hemp, and all kinds of vegetables.

The Russians build vessels of large burden at their Settlement, and, under the pretext of encouraging the fur trade, have encroached so far south, and in the year 1805 they sent a M. de Resankoff to negotiate with the Spanish Government for permission to form an establishment in New California, which negotiation, however, failed.

The Russian Government have, however, never lost sight of this place, and it is supposed are endeavouring to purchase the Californias from Spain, the possession of which would not only enable the Russian Government to form a naval arsenal in the Pacific, and, under the pretext of encouraging the fur trade, to form a hardy race of seamen and bold adventurers, but would give to that Government the power of interfering with the liberties of South America.

Russia can have no claim to the country of New Albion by the right of first discovery. This right is claimed by Great Britain and Spain, but from various authorities it belongs, beyond a doubt, to Great Britain, which it would be of great importance to establish should Spain have ceded this country to Russia.

In the year 1574 Abraham Artilius, the geographer of the King of Spain, acknowledged that the north-west coast of America was quite unknown, and a few years after this declaration Queen Elizabeth sent Sir Francis Drake on an expedition round Cape Horn, which he named Queen Elizabeth's Foreland, and he sailed as high as 48°, if not higher, landing at different places, and taking possession of the country, which he called New Albion, and which has been so named ever since.

It would thus appear the Russians have no claim to the coast or to the mainland on the

* *Qy.* or.

north-west of America, except to the land about Bodega, either by present occupancy or from first discovery, the land which Icherikoff made in 1741, being the coast of Norfolk Sound and Island, and divided from the mainland by a broad channel, and as it does not appear that Russia has anywhere establishments or posts on the north-west coast of America lower than Prince William's Sound, except Bodega, which could give her the claim to present occupancy.

Great Britain has, however, establishments of posts up to 37°, trading with Indians to the northward, and a post on Mackenzie River as high as 67°, which are increasing by expeditions of discovery, and it may fairly, and with great reason, be hoped that Captain Franklin in his expedition will discover and take possession, if no Treaty to the contrary is made, of all the coast and country to the westward of Mackenzie River as far as Icy Cape.

No. 30.

Mr. Enderby to Board of Trade.

Sir, *Paul's Wharf, February* 7, 1824.

AFTER the long and patient audience you admitted Mr. Mellish and myself to on the 5th instant, I hope you will pardon my intruding on you by letter on the subject of nations claiming boundary-lines of waters to prevent their Colonies being interfered with.

Previous to the Convention which was concluded with Spain in 1790, Mr. Pitt sent to desire I would call on him at the Treasury, which I did; he asked me how near the coast of Spanish America in the Pacific Ocean we fished for whales. I answered, "Frequently within 3 sea leagues." Mr. Pitt said he could not ask for such a short distance from the Spanish Colonies on the coast of the Pacific Ocean, where all their most valuable gold and silver mines are placed, as they would be great objects for illicit trade, and that Spain was very jealous of any foreign intercourse with their most valuable Colonies. Mr. Pitt said he believed Spain would be satisfied with a boundary-line of 10 sea leagues from the coast, which I acceded to in behalf of the adventurers in the whale fishery.

As I conclude that a boundary-line of waters in the North Pacific Ocean will be agreed to between Great Britain and Russia, I hope I may be pardoned suggesting that there ought not to be any boundary-line in entering the Bering Straits for the purpose of fishing or attempting to find a passage through. Bering Straits are very narrow in all parts, and it would be almost impossible to fish in those Straits without being daily within 5 or 6 leagues from the Russian Colonies on the eastern coast of the Straits.

All I ask is that we may be protected in all our fair pursuits and enterprises in killing whales, seals, and other amphibious animals, and in exploring and navigating the most distant and unknown parts of the oceans in search of islands not colonized without control from any foreign Power.

I have, &c.
(Signed) SAM. ENDERBY.

No. 31.

Sir C. Bagot to Mr. G. Canning.—(Received April 13.)

(No. 23.)
Sir, *St. Petersburgh, March* 17 (29), 1824.

IT is with a feeling of considerable disappointment that, after a constant negotiation for more than six weeks, after having gone to the utmost limit of your instructions—and after having taken upon myself to go even far beyond them—I should nevertheless have to acquaint you that I have entirely failed in inducing the Russian Government to accede to what I consider to be a fair and reasonable adjustment of our respective pretensions on the north-west coasts of North America, or to the adoption of any line of territorial demarcation which appears to me to be reconcilable, under the spirit of your instructions, with our legitimate interests in that quarter of the world.

In order that I may put you in complete possession of the whole course of my negotiation upon this subject, and may explain the precise grounds upon which I have felt myself compelled to suspend, for the present, all further proceedings in this business, it will, I fear, be necessary that I should enter into a detail of some length, and that I should load this despatch with several papers which are now become of importance.

It was on the 16th of last month that I had my first conference upon this question with the Russian Plenipotentiaries, Count Nesselrode and M. Poletica. I opened this conference by explaining to the Plenipotentiaries the reasons for which His Majesty had judged it advisable to treat separately upon this matter, rather than, as it had been originally intended, in concert with the Government of the United States. I then laid before them Count Lieven's note to you of the 31st January, 1823, proposing that the question of strict right should be provisionally waived on both sides, and that the adjustment of our mutual pretensions should be made upon the sole principle of the respective convenience of both countries.

This basis of negotiation being willingly accepted by all parties, I stated that, so far as I understood the wishes and interests of Russia, her principal object must be to secure to herself her

fisheries upon the islands and shores of the north-west coasts of North America and the posts which she might have already established upon them; that, on the other hand, our chief objects were to secure the posts upon the continent belonging to the Hudson Bay Company, the "embouchures" of such rivers as might afford an outlet for our fur trade in the Pacific, and the two banks of the Mackenzie River; that, in the belief that such were our respective objects, I would propose as our boundary a line drawn through Chatham Straits to the head of the Lynn Canal, thence north-west to the 140th degree of longitude west of Greenwich, and thence along that degree of longitude to the Polar Sea.

This proposal was made by me verbally, and was taken for consideration by the Russian Plenipotentiaries, who at our next meeting offered a "contre-projet," which I afterwards requested might be reduced to writing, and of which I inclose a copy (Inclosure 1).

In offering this "contre-projet," Count Nesselrode seemed to intimate that, however disposed the Emperor might be to retract pretensions advanced by himself which might be thought to conflict with the interests of other Powers, it would be asking too much of the Imperial dignity to require that pretensions advanced twenty-five years ago by the Emperor Paul, and which had been hitherto undisputed, should be now renounced. I thought it my duty, upon an intimation of this kind being made, to declare at once that all considerations of such a nature were incompatible with the stipulated basis of our negotiation, and that if the question of national dignity was to be touched, I, too, should have much to say upon that head, and should probably find it quite impossible to make those concessions which, upon the simple ground of mutual convenience, I might perhaps without difficulty do. This explicit declaration had its desired effect, and the Russian Plenipotentiaries engaged not to introduce again arguments of this kind into our discussions.

As the "contre-projet" offered to me appeared to be, generally speaking, entirely inadmissible, I drew up such a modification of my original proposal as would, I thought, meet the only reasonable objection made to it (an objection made in conversation by the Russian Plenipotentiaries), viz., the inconvenience which Russia might experience by vessels of the United States claiming a right, under their Convention with Great Britain, to visit the waters lying between King George's Archipelago and the islands and continent to the eastward of it, and which might, in this manner, seriously annoy the subjects of His Imperial Majesty in their pursuits and occupations upon those shores.

This modification of my first proposal will be found in the inclosed paper (Inclosure 2), which I delivered to the Russian Plenipotentiaries at our next conference.

You will observe that in making the proposal so modified, I, in fact, exceeded, in some degree, the strict letter of your instructions by assigning to Russia the islands lying between Admiralty Island to the north and Duke of York and Prince of Wales Islands to the south, but I entertained sanguine expectations that such a proposal, coupled with the concession of a line of coast extending 10 marine leagues into the interior of the continent, would have been considered as amply sufficient for all the legitimate objects which Russia could have in view, and quite as much as she could pretend to with any shadow of real claim or justice.

So far, however, from this being the case, my amended proposal was met at our next conference by observations which I again requested might be reduced to writing, and which will be found in the inclosed paper (Inclosure 3).

As, in this paper, parts of the main continent to which Russia cannot by possibility have ever acquired any claim, and of which Great Britain is at this moment actually in partial occupation, are offered to His Majesty in the light of concessions, it became necessary for me to reject any such offer as a boon in the most explicit terms, and you will find that I have not failed to do so in the inclosed paper (Inclosure 4), with which I replied to the paper in question.

As, however, I felt strongly the importance of adjusting this business, if possible, at the present moment, and as I felt also that, although the Russian Plenipotentiaries had, in consequence of my former remarks, agreed to waive altogether all question of national dignity in discussing it, His Imperial Majesty might yet possibly feel an invincible repugnance to retract from the pretensions advanced by the Emperor Paul in the Charter given to the Russian-American Company in 1799 (however unacknowledged by other Powers such pretensions might have been), I thought that I should not act in opposition to the spirit at least of my instructions if, in deference to such a sentiment on the part of the Emperor, and with a view to finish the business quickly, I ventured to make yet one other proposition, which, while it saved this point of dignity to Russia by giving to her the 55th degree of latitude as her boundary upon the islands, might preserve also uninterrupted our access to the Pacific Ocean, and secure to His Majesty the 56th degree of north latitude as the British boundary upon the coast.

The proposition by which I had hoped to effect these objects will also be found in the paper (Inclosure 4), in delivering which I gave it clearly to be understood that it contained my ultimate proposition.

It was not till the day before yesterday—that is, nearly ten days after I had given in this paper—that I was invited to another conference, when I was informed that the Imperial Government had, after anxious consideration, taken their final decision, and that they must continue to insist upon the demarcation as described by them in the first paper (Inclosure 1).

Finding this to be the case, I repeated that I had already gone far beyond the utmost limit of my instructions, and that I was sorry to say that I must now consider our negotiations as necessarily suspended, so far at least as the question of territorial demarcation was concerned.

Count Nesselrode then inquired whether I should object to transmit to my Court the final decision of himself and M. Poletica as it is declared in the inclosed paper (Inclosure 5), and whether I did not think that His Majesty's Government, seeing how slight our disagreement was, might

not be disposed to furnish me with such further instructions as would enable me to meet the views of the Russian Government, informing me at the same time that it was intended to acquaint Count Lieven by the courier, who is to be dispatched to-night to London, with the course which the negotiation had taken, and to instruct him to hold some conversation with you upon the subject.

I told Count Nesselrode that I should, of course, feel it to be my duty to transmit this and all other papers connected with the negotiation to you without loss of time, but that I could not by any means take upon myself to say what might be the opinion of His Majesty's Government as to the pretensions so tenaciously adhered to by the Imperial Government, further than by saying that, certainly, they were such as had never been contemplated by my Court in the instructions with which I had been as yet furnished, and that if a territorial arrangement perfectly satisfactory to both parties could not now be made, it might possibly be thought by my Government that our respective pretensions might still remain without any serious inconvenience in the state in which they had before stood, and that it would only be necessary for the present to confine their attention to the adjustment of the more urgent point of the maritime pretensions—a point which would not admit of equal postponement.

In reply to this observation Count Nesselrode stated, to my extreme surprise, that if the territorial arrangement was not completed, he did not see the necessity of making any agreement respecting the maritime question; and I found myself most unexpectedly under the necessity of again explaining very distinctly, both to him and to M. Poletica, that the maritime pretension of Russia was one which, violating as it did the first and most established principles of all public maritime law, admitted neither of explanation nor modification, and that my Government considered themselves possessed of a clear engagement on the part of Russia to retract in some way or other a pretension which could neither be justified nor enforced.

Here the matter rested; but I ought to state that, notwithstanding this unexpected observation of Count Nesselrode, I do not at all believe that, had we been able to agree upon our southern line of demarcation, we should have found any real difficulty either as regards the retractation of the maritime pretension or as regards our western boundary, or any of the other minor details which we should have been called upon to adjust; but the observation was made, and considering what has already passed upon this subject both here in London and in America, considering also the delicacy with which His Majesty had left it to the Russian Government themselves to frame the terms in which their retractation of this preposterous pretension should be made, His Majesty's Government may perhaps think it advisable that Count Lieven should be again given clearly to understand that it is a point to which no slight importance is attached by His Majesty, and that the pretension as it now stands will admit of no remedy but that of public, formal, and precise retractation in some shape or another.

Such has been the course of my late negotiation upon this question, and such the grounds upon which I have thought it my duty to suspend it for the present.

I know full well the inconvenience of breaking off such a negotiation in such a stage and upon a point which, judging only by the map, might perhaps appear of so little real importance to His Majesty's present interests, but when I consider by how much I have already exceeded my instructions, how more than doubtful is the real right of this Government to any part of the territory in most immediate dispute, and how much more exorbitant are their pretensions upon the north-west continent of America than I had before had reason to suspect, I certainly could not venture to take upon myself the heavy responsibility of making any further concessions of a territory the value and possible local advantages of which I had no means of estimating, and which I believe are as yet so imperfectly known.

It is somewhat remarkable that while the Russian pretension of maritime jurisdiction stands unrecalled among the Ukases of the Imperial Government, a note such as that of which I herewith inclose a copy should have been addressed to me in the midst of our negotiations asking protection for a Russian ship to navigate in safety those very seas and visit those very shores which the Court of Russia has by such high-handed Decrees declared to be a part of her exclusive dominions —and a part, too, which the other Powers of the world are forbidden to approach.

I have not yet answered this note, but if I am pressed to do so before I can receive the instructions of His Majesty's Government in respect to it, I shall certainly grant the certificate required, as was done in a former and similar instance by Lord Catheart.

I have, &c.

(Signed) CHARLES BAGOT.

Inclosure 1 in No. 31.

Counter-draft by Russian Plenipotentiaries.

LES propositions faites par les Plénipotentiaires de Russie à Sir Charles Bagot, et que son Excellence a été priée de prendre en mûre considération, tendoient à faire admettre le 55e degré de latitude septentrionale comme ligne de démarcation entre les possessions respectives sur la côte nord-ouest de l'Amérique.

Cette même limite a déjà été assignée aux possessions Russes par la Charte que feu l'Empereur Paul I accorda à la Compagnie Américaine.

Comme le parallèle du 55e degré coupe l'Ile du Prince de Galles dans son extrémité méridionale, laissant en dehors deux pointes de terre, les Plénipotentiaires de Russie ont proposé que ces deux

pointes fussent comprises dans les limites Russes, voulant éviter par là une division de territoire également incommode aux deux Parties intéressées.

Pour compléter la ligne de démarcation et la rendre aussi distincte que possible les Plénipotentiaires de Russie ont exprimé le désir de lui faire suivre le Portland Canal jusqu'aux montagnes qui bordent la côte.

De ce point, la limite remonteroit le long de ces montagnes parallèlement aux sinuosités de la côte, jusqu'à la longitude du 139e degré (méridien de Londres), degré dont la ligne de prolongation vers le nord formeroit la limite ultérieure entre les possessions Russes et Angloises au nord, comme à l'est.

Le motif principal qui force la Russie à insister sur la souveraineté de la lisière indiquée plus haut sur la terre ferme depuis le Portland Canal jusqu'au point d'intersection du 60° avec le 139° de longitude, c'est que, privée de ce territoire, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir les établissemens qui seroient dès lors sans point d'appui, et qui ne pourroient avoir aucune solidité.

En revanche, la Russie se feroit un devoir d'ouvrir aux sujets de Sa Majesté Britannique la libre navigation de tous les fleuves qui aboutissent à l'océan dans cette même lizière.

Pour donner une dernière preuve de son empressement à aller au devant des vœux du Gouvernement Anglois, elle ouvriroit aussi au commerce des sujets de Sa Majesté Britannique et à leurs vaisseaux le Port de Novo-Archangelsk, dans le cas où les propositions ci-dessus seroient acceptées.

(Translation.)

(Date as shown by Russian Archives, February 12 (24), 1824.)

The proposals made by the Russian Plenipotentiaries to Sir Charles Bagot, and which his Excellency has been asked to take into careful consideration, aimed at having the 55th degree of north latitude accepted as the line of demarcation between the respective possessions on the north-west coast of America.

This same boundary has already been assigned to the Russian possessions by the charter which the late Emperor Paul I granted to the American Company.

As the parallel of the 55th degree cuts the southern extremity of Prince of Wales Island, leaving two points of land outside the line, the Plenipotentiaries of Russia have proposed that these two points be comprised within the Russian limits, wishing thereby to avoid a division of territory, which would be equally inconvenient to the two interested Parties.

To complete the line of demarcation and render it as distinct as possible, the Plenipotentiaries of Russia have expressed the desire to make it follow Portland Channel up to the mountains which border the coast.

From this point the boundary would ascend along those mountains, parallel to the sinuosities of the coast, as far as the 139th degree of longitude (meridian of London), the line of which degree, prolonged northward, would form the ulterior limit between the Russian and English possessions, to the north as well as to the east.

The principal motive which constrains Russia to insist upon sovereignty over the above-indicated "lisière" (strip of territory) upon the mainland ("terre ferme") from Portland Channel to the point of intersection of 60° latitude with 139° longitude is that, deprived of this territory, the Russian-American Company would have no means of sustaining its establishments, which would, therefore, be without any support ("point d'appui") and could have no solidity.

In return, Russia would make it a duty to open to the subjects of His Britannic Majesty the free navigation of all the rivers which empty into the ocean through the said "lisière."

To give a final proof of her desire to anticipate the wishes of the English Government, she would also open to the trade of the subjects of His Britannic Majesty and to their vessels the port of Novo-Archangelsk in case the above proposals are accepted.

Inclosure 2 in No. 31.

Amended Proposal by Sir C. Bagot.

COMME il a été convenu de prendre pour base de négociations les convenances mutuelles des deux pays, il est à remarquer, en réponse à la proposition faite par les Plénipotentiaires Russes, qu'une ligne de démarcation tracée de l'extrémité méridionale de l'Ile du Prince de Galles jusqu'à l'embouchure du Canal de Portland, de là par le milieu de ce canal jusqu'à ce qu'elle touche la terre ferme, de là jusqu'aux montagnes qui bordent la côte, et de là le long de ces montagnes jusqu'à la longitude du 139e degré, &c., ôteroit à Sa Majesté Britannique la souveraineté de toutes ces anses et de ces petites baies qui se trouvent entres les latitudes 56° et 54° 45′, dont plusieurs (à ce qu'il y a tout lieu à croire) communiquent directement aux établissemens de la Compagnie de Hudson Bay, et seroient par conséquent d'une importance essentielle pour son commerce, tandis que de l'autre côté la Compagnie Russe-Américaine ne possède aucun établissement sur la terre ferme entre les deux parallèles susmentionnés, ni même sur l'Ile du Prince de Galles, ni sur les iles qui sont situées entre celle-ci et la terre ferme.

En acceptant la proposition faite par Sir Charles Bagot dans sa première Conférence avec

les Plénipotentiaires Russes, il n'y auroit (à ce qu'il paroit) qu'un seul inconvénient pour la Russie, celui qui pourroit résulter du droit que réclameroient peut-être les États-Unis, en vertu de leur Convention avec la Grande-Bretagne de l'année 1818, de naviguer librement dans tous les parages entre l'Ile du Roi George et la terre ferme, et de gêner ainsi de quelque sorte le commerce des sujets de Sa Majesté Impériale dans ces eaux.

Pour obvier à cet inconvénient et pour assurer à la Russie l'entière souveraineté de ces parages, ainsi que toutes les îles et les côtes où il y a effectivement des établissements Russes, la Grande-Bretagne proposeroit de prendre pour ligne de démarcation entre les territoires des deux Puissances une ligne tracée de l'ouest vers l'est, par le milieu du canal qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles jusqu'à ce qu'elle touche la terre ferme.

De là se prolongeant dans la même direction sur la terre ferme jusqu'à un point distant de la côte de 10 lieues marines, la ligne remonteroit de ce point vers le nord et le nord-ouest, parallèlement aux sinuosités de la côte, et toujours à la distance de 10 lieues marines du rivage, jusqu'au 140e degré de longitude (de Greenwich), dont elle suivroit alors du prolongement jusqu'à la Mer Polaire.

(Translation.)

Since it has been decided to take as a basis of negotiation the mutual advantage of the two countries, it should be noted, in answer to the proposal made by the Russian Plenipotentiaries, that a line of demarcation drawn from the southern extremity of Prince of Wales Island to the mouth of Portland Channel, thence up the middle of this channel until it touches the mainland ("terre ferme"), thence to the mountains bordering the coast, and thence along the mountains as far as 139° longitude, would deprive His Britannic Majesty of sovereignty over all the inlets and small bays lying between latitudes 56° and 54° 45′, whereof several (as there is every reason to believe) communicate directly with the establishments of the Hudson's Bay Company, and are, consequently, of essential importance to its commerce; while, on the other hand, the Russian-American Company possesses no establishments on the mainland ("terre ferme") between the two above-mentioned parallels, or even on Prince of Wales Island, or on the islands located between the latter and the mainland.

In accepting the proposal made by Sir Charles Bagot in his first Conference with the Russian Plenipotentiaries, Russia would have had, it would seem, only one difficulty, that which might result from the right which might perhaps be claimed by the United States, by virtue of their Convention of 1818 with Great Britain, to navigate freely in all the waters between King George's Island and the mainland ("terre ferme"), and thus, in a way, embarrass the trade of the subjects of His Imperial Majesty in these waters.

In order to obviate this difficulty and to insure to Russia the exclusive sovereignty of these waters, as well as all the islands and coasts where there are really Russian establishments, Great Britain would offer to accept as the line of demarcation between the territories of the two Powers a line traced from the west towards the east along the middle of the channel which separates Prince of Wales and Duke of York Islands, from all the islands situated to the north of the said islands, until it touches the mainland ("terre ferme").

Thence, extending in the same direction on the mainland to a point 10 marine leagues from the coast, the line would run from this point toward the north and north-west, parallel with the sinuosities of the coast, and always at a distance of 10 marine leagues from the shore as far as the 140th degree of longitude (Greenwich), the prolongation of which it would then follow to the Polar Sea.

Inclosure 3 in No. 31.

Observations of Russian Plenipotentiaries on Sir C. Bagot's Amended Proposal.

LE motif qui a fait proposer l'adoption du principe des convenances mutuelles, et le premier avantage de ce principe, c'est d'empêcher que les établissemens respectifs sur la côte nord-ouest ne puissent se nuire les uns aux autres et entrer en collision.

Les établissemens Anglois de la Compagnie de la Baie de Hudson et du Nord-Ouest tendent à se porter vers l'ouest par les 53e et 54e degré de latitude septentrionale.

Les établissemens Russes de la Compagnie Américaine tendent à descendre au sud vers le 55e parallèle, et au delà, car il est à remarquer que si la Compagnie Américaine n'a point encore formé d'établissemens fixes sur la ligne mathématique du 55e degré, il n'en est pas moins vrai qu'en vertu de son privilège de 1799, privilège contre lequel aucune Puissance n'a jamais réclamé, elle exploite la chasse et la pêche dans ces parages, et que régulièrement elle occupe les îles et les côtes avoisinantes dans la saison qui lui permet d'y envoyer ses chasseurs et ses pêcheurs.

Il étoit donc de la convenance mutuelle des deux Empires d'assigner de justes limites à des progrès réciproques qui ne pouvaient qu'occasionner avec le temps les plus fâcheuses complications.

Il étoit aussi de leur convenance mutuelle de déterminer ces limites d'après les séparations naturelles qui forment toujours les frontières les plus distinctes et les plus certaines.

C'est par ces raisons que les Plénipotentiaires de Russie ont proposé pour limites sur la côte du continent au sud le Portland Channel, dont l'origine dans les terres est par le 56e degré de

latitude nord, et à l'est la chaîne de montagnes qui suit à une très petite distance les sinuosités de la côte.

D'après les cartes les plus récentes et les meilleures publiées en Angleterre, les établissemens de la Compagnie de la Baie de Hudson ne se rapprochent des côtes que par le 53e et le 54e degré, et l'on ne sauroit prouver que sur aucun point ils arrivent jusqu'au grand océan.

Cependant, d'après le principe des convenances mutuelles, le projet d'arrangement des Plénipotentiaires de Russie laisse ouverts à l'extension successive des Colonies Anglaises—

1. Toute la partie de la côte située entre l'embouchure du Portland Channel et le 51e degré de latitude nord, envisagée comme limite des possessions Russes dans l'Oukase du 4 (16) Septembre, 1821;

2. Tout le territoire situé entre les établissemens Anglois au 54e parallèle et l'origine du Portland Channel, qui est au 56e parallèle;

3. Tout le territoire situé derrière la chaîne de montagnes dont il a été question ci-dessus, jusqu'au point d'intersection du 139e degré de longitude, méridien de Greenwich.

Les Plénipotentiaires de Sa Majesté Impériale, prévoyant même le cas où, sur la lisière de la côte qui appartiendroit à la Russie, il se trouveroit des fleuves au moyen desquels les établissemens Anglois pourroient communiquer avec l'océan, se sont empressés d'offrir, par une stipulation éventuelle, la libre navigation de ces fleuves.

Ils ont, en outre, annoncé à son Excellence Sir Charles Bagot que le Port de Novo-Archangelsk sera ouvert au commerce des sujets de Sa Majesté le Roi de la Grande-Bretagne.

D'autre part, les Plénipotentiaires de Russie ont l'honneur de lui observer itérativement, que sans une lisière sur la côte du continent à partir du Portland Channel, les établissemens Russes des îles du voisinage n'auroient aucun point d'appui; qu'ils seroient à la merci de ceux que des étrangers formeroient sur la terre ferme, et que tout arrangement semblable, loin d'être fondé sur le principe des convenances mutuelles, ne présenteroit que des dangers à l'une des Parties et des avantages exclusifs à l'autre.

On ne parlera point ici des deux pointes de l'Ile du Prince de Galles, qui sont situées au-dessous de la ligne du 55e degré de latitude nord. Ces deux pointes ne pourroient être d'aucune utilité à la Grande-Bretagne, et si les neuf-dixièmes de l'Ile du Prince de Galles appartiennent à la Russie, il est évidemment d'un intérêt réciproque que l'île lui appartenne tout entière.

Ce court exposé suffit pour justifier le projet que les Plénipotentiaires de Sa Majesté Impériale ont remis à Sir Charles Bagot, et sur la teneur duquel ils ne peuvent qu'insister.

Ils espèrent, au reste, que les intentions qui ont dicté ce projet seront appréciées tant par l'Ambassadeur de Sa Majesté Britannique que par son Gouvernement.

(Translation.)

(Sent February 24 (March 7), 1824.)

The motive which caused the adoption of the principle of mutual expediency to be proposed, and the most important advantage of this principle, is to prevent the respective establishments on the north-west coast from injuring each other and entering into collision.

The English establishments of the Hudson's Bay and North-West Companies have a tendency to advance westward along the 53rd and 54th degree of north latitude.

The Russian establishments of the American Company have a tendency to descend southward toward the 55th parallel and beyond, for it should be noted that, if the American Company has not yet made permanent establishments on the mathematical line of the 55th degree, it is, nevertheless, true that, by virtue of its privilege of 1799, against which privilege no Power has ever protested, it is exploiting the hunting and the fishing in these regions, and that it regularly occupies the islands and the neighbouring coasts during the season which allows it to send its hunters and fishermen there.

It was, then, to the mutual advantage of the two Empires to assign just limits to this advance on both sides, which, in time, could not fail to cause most unfortunate complications.

It was also to their mutual advantage to fix these limits according to natural partitions, which always constitute the most distinct and certain frontiers.

For these reasons, the Plenipotentiaries of Russia have proposed as limits upon the coast of the continent, to the south, Portland Channel, the head of which lies about ("par") the 56th degree of north latitude, and to the east the chain of mountains which follows at a very short distance the sinuosities of the coast.

According to the most recent and best maps published in England, the establishments of the Hudson Bay Company approach the coast only along the 53rd and 54th degrees, and it cannot be proved that they reach the Great Ocean at any point.

Nevertheless, governed by the principle of mutual accommodation, the plan proposed by the Plenipotentiaries of Russia leaves open to the future expansion of the English Colonies—

1. All that part of the coast situated between the mouth of Portland Channel and the 51st degree of north latitude, which was regarded as the limit of the Russian possessions in the Ukase of the 4th (16th) September, 1821;

2. All the territory situated between the English establishments on the 54th parallel and the head of Portland Channel, which is at the 56th parallel;

3. All the territory situated behind the chain of mountains, in regard to which there has

been disputed hitherto, to the point of intersection of the 139th degree of longitude, meridian of Greenwich.

The Plenipotentiaries of His Imperial Majesty, foreseeing even the case of there being found on the "lisière" of the coast which should belong to Russia rivers by means whereof the English establishments might be able to communicate with the ocean, have hastened to offer, by a contingent stipulation, the free navigation of such rivers.

They have further informed his Excellency Sir Charles Bagot that the Port of Novo-Archangelsk will be opened to the trade of the subjects of His Majesty the King of Great Britain.

On the other hand, the Plenipotentiaries of Russia have the honour to repeat to him that without a "lisière" upon the continental coast, starting from Portland Channel, the Russian establishments on the islands in the vicinity would have no support ("point d'appui"); that they would be at the mercy of the establishments which strangers might form upon the mainland, and that any such arrangement, far from being founded upon the principle of mutual accommodation, would but offer dangers for one of the Parties and exclusive advantages for the other.

No reference will be made here to the two points of Prince of Wales Island, situated below the line of 55° north latitude. These two points can be of no service to Great Britain, and if nine-tenths of Prince of Wales Island belongs to Russia, it is clearly to the interest of both Parties that the entire island should belong to her.

This brief statement will suffice to vindicate the draft which the Plenipotentiaries of His Imperial Majesty sent to Sir Charles Bagot, and upon the tenour of which they are compelled to insist.

They further hope that the sentiments which originated this draft will be appreciated both by the Ambassador of His Britannic Majesty and by his Government.

Inclosure 4 in No. 31.

Reply by Sir C. Bagot to Observations of Russian Plenipotentiaries.

LA découverte ou la simple occupation de quelques îles situées sur la côte d'un continent ne peut donner aucun droit à la souveraineté de la terre ferme voisine, principe qui n'est pas moins fondé sur l'opinion reconnue des juristes les plus célèbres, que sur l'usage universellement observé entre les nations.

D'après ce principe, Sir Charles Bagot a constamment soutenu dans les Conférences qu'il a eu l'honneur d'avoir avec les Plénipotentiaires de Russie, que Sa Majesté Britannique ne sauroit admettre que les droits de la Russie sur la côte nord-ouest du continent d'Amérique puissent s'étendre vers le midi sur ce continent au delà du point où la Russie aura actuellement formé des établissemens.

Il n'a jamais été affirmé par les Plénipotentiaires de Sa Majesté Impériale que la Russie possède des établissemens quelconques sur la terre ferme au sud du 60e ou 59e degré de latitude nord, mais ils ont déclaré que, privée d'une lisière sur la terre ferme, la Compagnie Russe-Américaine n'auroit aucun moyen de soutenir ses établissemens sur les îles, qui seroient dès lors sans point d'appui et ne pourroient avoir aucune solidité.

Tout argument fondé sur la considération de la convenance pratique de la Russie ne pouvoit être que du plus grand poids, et le Plénipotentiaire de Sa Majesté Britannique n'hésita pas d'abandonner, en conséquence de cette observation des Plénipotentiaires de Russie, la ligne de démarcation qu'il avoit d'abord proposée, savoir, celle qui devoit passer par le milieu de Chatham Straits jusqu'à l'extrémité septentrionale de Lynn Canal et de là à Mont Elias, ou à l'intersection du 140e degré de longitude, et d'en proposer une autre qui assureroit à la Russie non seulement une lisière sur le continent, vis-à-vis de l'établissement le plus méridional qu'elle possède sur les îles, mais qui lui assureroit aussi la possession de toutes les îles et les eaux qui l'avoisinent ou qui se trouvent placées entre cet établissement et la terre ferme, la possession enfin de tout ce qui pourroit devenir, par la suite, de quelque utilité, ou pour sa solidité ou pour sa prospérité.

Mais le Plénipotentiaire de Sa Majesté Britannique ne peut pas admettre que la Russie accorderoit ou assureroit à Sa Majesté Britannique un nouvel avantage par sa renonciation à la partie de la côte située entre l'embouchure du Portland Canal et le degré de latitude envisagé comme limite des possessions Russes dans l'Oukase de 1821, ni même par sa renonciation à toute partie du continent au midi des établissemens qui y ont été déjà formés; car, quand même Sa Majesté Britannique eût jamais reconnu ce degré de latitude comme formant la ligne de démarcation en autant qu'il regarde les îles, elle ne pourroit, d'après le principe énoncé plus haut, l'avoir reconnu comme limite sur le continent voisin, sur lequel la Compagnie de la Baie de Hudson avoit déjà établi plusieurs de ses postes les plus importants.

Cette Compagnie a en effet des établissemens même près de la côte, au nord du 55e degré; Sa Majesté Britannique ne pourroit donc, sans sacrifier les intérêts de la Compagnie, renoncer à ses droits à la souveraineté de la côte, et des îles qui en dépendent immédiatement, jusqu'à la hauteur de 56° 30′ de latitude nord, quel que soit le degré de latitude que l'on pourra définitivement convenir de prendre pour limite entre les deux Puissances, en autant qu'il concerne les îles situées plus à l'ouest.

L'origine du Portland Canal peut être, comme il y a lieu de croire, l'embouchure de quelque fleuve qui coule par le milieu du pays occupé par la Compagnie de la Baie de Hudson, et il est

par conséquent d'une importance majeure à la Grande-Bretagne d'en posséder la souveraineté des deux rives.

Ce fut dans l'espoir de pouvoir concilier ces objets indispensables avec ceux du Gouvernement Impérial, et déterminer sans plus de délai une question, qu'il paraissoit être également de l'intérêt des deux parties d'arranger définitivement au moment actuel que le Plénipotentiaire de Sa Majesté Britannique eût l'honneur de proposer dans sa dernière Conférence avec les Plénipotentiaires de Russie, une ligne de démarcation qui, tout en conservant à la Russie pour limite méridionale sur les îles le degré de latitude désigné par l'Oukase de 1799, assigneroit en même tems à la Grande-Bretagne pour limite sur la côte de la terre ferme la latitude de 56° 30′ nord.

Il semble qu'une ligne tracée de l'extrémité méridionale du détroit nommé "Duke of Clarence's Sound" par le milieu de ce détroit jusqu'au milieu du détroit qui sépare les Iles du Prince de Galles et du Duc d'York de toutes les îles situées au nord des dites îles, de là, vers l'est par le milieu du même détroit jusqu'à la terre ferme, et se prolongeant ensuite dans la direction, et de la manière déjà proposées par le Plénipotentiaire de Sa Majesté Britannique jusqu'à Mont Elias, ou à l'intersection du 140e degré de longitude, formeroit une ligne de démarcation qui concilieroit les convenances mutuelles des deux parties, et qui assureroit peut-être d'une manière satisfaisante les intérêts réciproques tant actuels que futurs des deux Empires dans cette partie du globe.

(Translation.)

The discovery or the mere occupation of a few islands situated on the coast of a continent can give no right to sovereignty over the neighbouring mainland, a principle founded not only on the accepted opinions of the best known jurists, but on the usage universally observed among nations.

According to this principle, Sir Charles Bagot has steadily insisted, in the Conferences which he has had the honour to have with the Russian Plenipotentiaries, that His Britannic Majesty cannot admit that the Russian rights on the north-west coast of the American continent can extend southward on this continent beyond the point where Russia has actually formed establishments.

It has never been affirmed by the Plenipotentiaries of His Imperial Majesty that Russia possesses any establishments whatever on the mainland ("terre ferme") south of the 60th or 59th degree of north latitude, but they have stated that, if deprived of as trip ("lisière") on the mainland, the Russian-American Company would have no means of maintaining its establishments on the islands, which would then be without a support ("point d'appui"), and could have no substantial footing.

Any argument founded on the consideration of the practical advantage of Russia could not fail to have the greatest weight, and the Plenipotentiary of His Britannic Majesty did not hesitate to give up, in consequence of this observation of the Russian Plenipotentiaries, the line of demarcation which he had first proposed, to wit, one passing along the middle of Chatham Straits as far as the northern extremity of Lynn Channel, and thence to Mount Elias, or to the intersection of the 140th degree of longitude; and to offer another which would secure to Russia not only a strip on the continent, opposite the southernmost establishment which she possesses on the islands, but also the possession of all the islands and waters in its vicinity or which are situated between that establishment and the mainland ("terre ferme"); in short, possession of all that could in future be of any service, either to its stability or its prosperity.

But the Plenipotentiary of His Britannic Majesty cannot admit that Russia would grant or secure to His Britannic Majesty a new advantage by her renunciation of that part of the coast located between the mouth of Portland Channel and the degree of latitude regarded as the boundary of the Russian possessions in the Ukase of 1821, or even by her renunciation of all parts of the continent south of the establishments which have already been formed there; for, even if His Britannic Majesty had ever recognized that degree of latitude as constituting the line of demarcation so far as the islands are concerned, he could not, according to the principle above stated, have recognized it as the boundary on the neighbouring continent, on which the Hudson Bay Company had already established several of its most important posts.

This Company has in fact establishments even near the coast north of the 55th degree; His Britannic Majesty can not, therefore, without sacrificing the interests of the Company, renounce his rights of sovereignty over the coast and the islands directly dependent thereon, as far as 56° 30′ of north latitude, whatever degree of latitude it may be finally decided to accept as the boundary between the two Powers in so far as relates to the islands located farther west.

The head of the Portland Channel may be, as there is reason to believe, the mouth of some river flowing through the midst of the country occupied by the Hudson Bay Company, and it is, consequently, of great importance to Great Britain to possess the sovereignty of the two shores thereof.

It was in the hope of being able to reconcile these indispensable objects with those of the Imperial Government, and to decide without further delay a question which it appeared to be equally to the interests of both parties to settle definitely at the present time, that the Plenipotentiary of His Britannic Majesty had the honour of proposing, in his last conference with the Plenipotentiaries of Russia, a line of demarcation which, while preserving to Russia the degree of latitude designated in the Ukase of 1799 as her southern boundary in the islands, would assign at the same time to Great Britain as her boundary on the coast of the mainland ("terre ferme") the latitude of 56° 30′ north.

It seems that a line drawn from the southern extremity of the strait called "Duke of Clarence's Sound," through the middle of this strait to the middle of the strait which separates

Prince of Wales and Duke of York Islands from all the islands lying north of those islands, thence toward the east through the middle of the same strait to the mainland, to be prolonged afterwards in the direction and manner already proposed by His Britannic Majesty's Plenipotentiary as far as Mount Elias or to the intersection of the 140th degree of longitude, would form a line of demarcation which would conciliate the mutual convenience of the two Parties, and which would perhaps satisfactorily assure the reciprocal interests, both present and future, of the two Empires in that part of the globe.

Inclosure 5 in No. 31.

Final Decision of Russian Plenipotentiaries.

LES Plénipotentiaires de Russie ont porté à la connoissance de l'Empereur, leur Maître, les dernières propositions qui leur ont été faites par Sir Charles Bagot, relativement à la ligne de démarcation qui séparerait les possessions Russes des possessions Angloises sur la côte nord-ouest du continent de l'Amérique.

Attentivement examinées par Sa Majesté Impérale, ces propositions ne lui ont point paru de nature à pouvoir acceptées.

L'Empereur charge ses Plénipotentiaires de déclarer itérativement à M. l'Ambassadeur d'Angleterre—

Que la possession de l'Ile du Prince de Galles, sans une portion de territoire sur la côte située vis-à-vis de cette île, ne pourroit être d'aucune utilité à la Russie.

Que tout établissement formé sur la dite île, ou sur celles qui l'environnent, se trouverait en quelque sorte tourné par les établissemens Anglois de la terre ferme, et complettement à la merci de ces derniers.

Qu'en conséquence un arrangement semblable ne serait nullement conforme au principe des convenances mutuelles.

Qu'au reste, d'après le témoignage des cartes les plus récentes publiées en Angleterre, il n'existe aucun établissement Anglais ni sur la côte même du continent ni au nord du 54° de latitude septentrionale.

Qu'ainsi, quand les limites fixées aux possessions Russes par la Charte de 1799 n'auraient point en leur faveur depuis vingt-cinq ans le consentement tacite de toutes les Puissances, encore la Russie exerceroit-elle sur cette partie de la côte précisément les mêmes droits que la Grande-Bretagne, d'où il résulte que la question devrait toujours être résolue, non d'après les intérêts exclusifs d'un des deux Empires, mais de manière à concilier leurs intérêts réciproques.

Qu'enfin, quant à la navigation des fleuves, la Russie croyait avoir offert à la Grande-Bretagne tous les avantages et toutes concessions que celle-ci peut désirer.

Et que dans cet état de choses les Plénipotentiaires de Sa Majesté Impériale avoient ordre d'insister sur leurs propositions antérieures, propositions dont ils ont amplement développé les motifs à son Excellence M. le Chevalier Bagot.

L'Empereur espère que ces motifs seront appréciés par le Gouvernement de Sa Majesté Britannique, et que M. l'Ambassadeur d'Angleterre les fera valoir avec ce désir de rapprocher les opinions respectives qu'il a manifesté dans tout le cours de cette négociation.

Sa Majesté Impériale est au regret de ne pas la voir terminée dès à présent; mais elle se flatte que les résolutions définitives du Cabinet de Londres empêcheront sans doute ces pourparlers de demeurer stériles.

Saint-Pétersbourg, le 17 (29) *Mars*, 1824.

(Translation.)

The Plenipotentiaries of Russia have brought to the knowledge of the Emperor, their Master, the last proposals which were made to them by Sir Charles Bagot in regard to the line of demarcation which should separate the Russian possessions from the English possessions on the north-west coast of the American continent.

After being carefully examined by His Imperial Majesty, these proposals do not seem to him to be of such a nature that they can be accepted.

The Emperor charges his Plenipotentiaries to repeat to the Ambassador of England—

That the possession of Prince of Wales Island without a slice (portion) of territory upon the coast situated in front of that island could be of no utility whatever to Russia.

That any establishment formed upon said island or upon the surrounding islands would find itself, as it were, flanked by the English establishments on the mainland and completely at the mercy of these latter.

That, in consequence, such an arrangement could not in any wise conform to the principle of mutual accommodation.

That besides, according to the testimony of the most recent maps published in England, no English establishment exists either on the coast of the continent itself or north of the 54th degree of north latitude.

That thus, even if the boundaries fixed for the Russian possessions by the Charter of

1799 had not in their favour the tacit consent of all the Powers for the past twenty-five years, Russia would yet exercise, on this part of the coast, precisely the same rights as Great Britain, from which it results that the question would always have to be decided, not according to the exclusive interests of one of the two Empires, but in such a way as to reconcile their mutual interests.

That finally, as to the navigation of the rivers, Russia believed that she had offered to Great Britain all the advantages and concessions that the latter could desire.

And that, in view of this state of things, the Plenipotentiaries of His Imperial Majesty had received orders to insist upon their previous proposals, the reasons for which proposals they had fully explained to his Excellency Sir Bagot.

The Emperor hopes that these reasons will be appreciated by the Government of His Britannic Majesty, and that the Ambassador of England will give them their proper weight, with that desire to reconcile the respective opinions which he has displayed throughout the course of these negotiations.

His Imperial Majesty regrets not to see them terminated at the present time, but he is pleased to believe that the final decisions of the London Cabinet will prevent these discussions from being barren of result.

St. Petersburgh, March 17 (29), 1824.

Inclosure 6 in No. 31.

Memorandum.

LA Compagnie Russe-Américaine a été munie à différentes époques de la part des Missions étrangères accréditées près la Cour Impériale de Russie de certificats destinées à assurer appui et protection aux navires que la dite Société dirige vers les contrées soumises à la domination des Puissances amies.

Sachant apprécier tous les avantages d'une assistance aussi efficace, la Compagnie vient de s'adresser au Ministère Impérial dans le but d'obtenir par son intervention une lettre de protection d'usage pour le vaisseau "Hélène," commandé par le Lieutenant de la Marine Tchistiakoff.

Ce bâtiment, dont la destination est de porter des provisions aux Colonies de la Compagnie s'occupera en même tems de recherches scientifiques dans les parages vers lesquels il dirige sa course.

En conséquence, le Soussigné a l'honneur de prier son Excellence M. le Chevalier de Bagot, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, de vouloir bien lui transmettre, à l'usage du Lieutenant Tchistiakoff, un certificat lequel, en spécifiant le but de l'expédition, réclamerait en faveur du Commandant et de l'équipage un accueil hospitalier, et s'ils se trouvaient dans le cas d'y avoir recours, une assistance efficace de la part des autorités Britanniques.

Le Soussigné se plairait à reconnaître dans un accueil favorable à la demande qu'il vient d'exprimer au nom de la Compagnie Russe-Américaine une nouvelle preuve des relations amicales qui existent entre les deux Cours, et il saisit, &c.

(Signé) NESSELRODE.

Saint-Pétersbourg, le 12 *Mars*, 1824.

(Translation.)

The Russian-American Company has been furnished at different times by the foreign Missions accredited to the Imperial Court of Russia with certificates designed to secure assistance and protection to the ships which the said society sends to countries subject to the rules of friendly Powers.

Knowing how to appreciate the advantages of such efficient aid, the Company has just applied to the Imperial Government, with the object of obtaining, through its intervention, the usual letter of protection for the vessel "Hélène," commanded by Marine Lieutenant Tchistiakoff.

This vessel, the destination of which is the carrying of provisions to the Colonies of the Company, will be occupied at the same time in scientific researches in the regions towards which she directs her course.

In consequence, the Undersigned has the honour to beg His Excellency Sir Bagot, Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty, to have the kindness to transmit, for the use of Lieutenant Tchistiakoff, a certificate which, specifying the object of the expedition, should request, in favour of the Commander and crew, a hospitable reception, and, if they should find themselves in a position to need it, effective assistance on the part of the British authorities.

The undersigned would be pleased to recognize, in the favourable response to the request which he has just made in behalf of the Russian-American Company, a new proof of the friendly relations existing between the two Courts, and he takes, &c.

(Signed) NESSELRODE.

St. Petersburgh, March 12, 1824.

No. 32.

Count Nesselrode to Count Lieven.

M. le Comte, *Saint-Pétersbourg, le 17 Avril, 1823.**

PAR mes dépêches du 17 de ce mois, j'ai fait connoître à votre Excellence les résultats peu satisfesans de nos négotiations avec Sir Charles Bagot, relatives aux frontières qui doivent séparer les possessions Russes des possessions Angloises par la côte nord-ouest de l'Amérique.

Aujourd'hui, M. le Comte, je vous développerai les motifs qui ne nous ont pas permis d'accepter les propositions de l'Ambassadeur d'Angleterre.

Pour ne pas entrer sans nécessité dans de trop longs détails, je me bornerai à discuter ici le point de la question sur lequel nous n'avons pu tomber d'accord.

L'Oukase du 4 (16) Septembre, 1821, avoit porté jusqu'au 51° de latitude septentrionale les limites des domaines de la Russie sur la côte nord-ouest du continent Américain. Cependant, l'Empereur s'étant convaincu que presque à la même époque la Compagnie Angloise de la Baie d'Hudson avoit formé des établissemens par les 53° et 54° de latitude septentrionale et que ces établissemens n'étoient même plus très éloignés de la côte, nous autorisa à donner, dès l'ouverture des négociations, une preuve de ses intentions conciliantes, en déclarant à Sir Charles Bagot que nous nous tiendrions aux limites assignées à nos possessions Américaines par la Charte de l'Empereur Paul, qu'en conséquence la ligne du 55e degré de latitude septentrionale constitueroit au midi la frontière des États de Sa Majesté Impériale, que sur le continent et vers l'est, cette frontière pourroit courir le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Élie, et que de ce point jusqu'à la Mer Glaciale nous fixerions les bornes des possessions respectives d'après la ligne du 140e degré de longitude ouest méridien de Greenwich.

Afin de ne pas couper l'Ile du Prince de Galles, qui selon cet arrangement devoit rester à la Russie, nous proposions de porter la frontière méridionale de nos domaines au 54° 40′ de latitude et de la faire aboutir sur le continent au Portland Canal, dont l'embouchure dans l'océan est à la hauteur de l'Ile du Prince de Galles et l'origine dans les terres entre le 55° et 56° de latitude.

Cette proposition ne nous assuroit qu'une étroite lisière sur la côte même, et elle laissoit aux établissemens Anglois tout l'espace nécessaire pour se multiplier et s'étendre.

Vous verrez, M. le Comte, par les pièces ci-jointes, qu'en outre nous annoncions l'ouverture du Port de Novo-Archangelsk et que nous promettions la libre navigation des fleuves qui se trouveroient sur notre territoire.

Après quelques discussions, les dernières contre-propositions de Sir Charles Bagot furent de comprendre toute l'Ile du Prince de Galles dans les possessions de la Russie, mais de stipuler que notre frontière suivroit de cette île la passe dite "Duke of Clarence's Sound," et qu'elle n'aboutiroit à la côte qu'au-dessus du 56° de latitude septentrionale.

[Cette différence, si on la considère sur la carte, paroît insignifiante au premier coup d'œil; elle est néanmoins si essentielle pour nous qu'il nous est absolument impossible d'adhérer au plan de démarcation tracé par le Plénipotentiaire de Sa Majesté Britannique.]

Nous lui avons exposé, dans notre réponse à sa seconde note verbale et dans notre réplique du 18 Mars, des considérations que nous ne pouvons perdre de vue et qui nous semblent décisives. L'Empereur vous charge, M. le Comte, d'inviter le Cabinet de Saint-James à les peser avec la plus mûre attention, et Sa Majesté se flatte qu'à la suite d'un examen impartial il s'empressera lui-même de reconnoître combien nos raisons sont graves et légitimes.

En premier lieu, aucun État n'a réclamé contre la Charte de l'Empereur Paul, et ce silence universel peut et doit être envisagé comme une reconnaissance de nos droits.

On nous objecte que nous n'avons pas formé d'établissement établi sur la côte nord-ouest au-dessous du 57° de latitude. Cela est vrai, mais dans la saison de la chasse et de la pêche la côte et les eaux avoisinantes sont exploitées par notre Compagnie Américaine bien au delà du 55° et du 54° parallèle. Ce genre d'occupation est le seul dont ces parages soient susceptibles, ou du moins le seul qui soit nécessaire lorsqu'un peu plus au nord on a fondé et organisé des Colonies. Nous sommes donc pleinement en droit d'insister sur la continuation d'un bénéfice que notre commerce s'est assuré dès l'année 1799, tandis que les Compagnies Angloises de la Baie d'Hudson et du Nord-Ouest ont à peine atteint depuis trois ans le voisinage de ces latitudes, tandis qu'elles n'occupent encore aucun point qui touche à l'océan, et qu'il est notoire que c'est pour l'avenir seulement qu'elles cherchent à s'y ménager les profits de la chasse et de la pêche. Ainsi nous voulons *conserver*, et les Compagnies Angloises veulent *acquérir*. Cette seule circonstance suffit pour justifier nos propositions. Elles ne sont pas moins conformes au principe des convenances mutuelles, qui devoit servir de base à la négociation.

Si l'Ile du Prince de Galles nous demeure, il faut qu'elle puisse nous être de quelque utilité. Or, d'après le plan de l'Ambassadeur d'Angleterre, elle ne seroit pour nous qu'une charge et presque un inconvénient. Cette île, en effet, et les établissemens que nous y formerions se trouveroient entièrement isolés, privés de tout soutien, enveloppés par les domaines de la Grande-Bretagne et à la merci des établissemens Anglois de la côte. Nous nous épuiserions en frais de garde et de surveillance dont aucune compensation n'allégeroit le fardeau. Un arrangement pareil reposeroit-il sur le principe des convenances mutuelles?

* This despatch is wrongly dated 1823 and published out of its order in the British compilation ("Fur-seal Arbitration," vol. iv, p. 399). In the Russian archives it bears date 1824, and its contents show it relates to the same negotiations as are narrated in Sir C. Bagot's despatch of March 17 (29), 1824. (See No. 31.)

Nous invoquons toutefois ce principe avec d'autant plus de justice que l'Angleterre elle-même a prouvé par un acte authentique qu'elle regardoit comme douteux ses droits sur le territoire dont elle demande l'abandon. La Convention passée le 20 Octobre, 1818, entre la Cour de Londres et les Etats-Unis déclare propriété commune des deux Puissances pour dix ans toute l'étendue de pays comprise entre les Rocky Mountains, l'Océan Pacifique, et les possessions Russes. Les titres des Etats-Unis à la souveraineté de ce pays sont donc aussi valables que ceux de l'Angleterre. Cependant, le Cabinet de Washington a reconnu que nos limites devoient descendre jusqu'au 54° 40′. Il l'a reconnu par une transaction formelle que nous venons de parapher avec son Plénipotentiaire, et cette reconnoissance n'a point pour conséquence unique de fortifier nos argumens; elle nous procure d'autres résultats auxquels nous attachions, avec raison, le plus haut intérêt.

Tranquilles de ce côté, nous n'avons maintenant aucune crainte à nourrir, et le Cabinet de Londres conviendra sans doute qu'un tel état de choses augmente le prix des sacrifices que nous lui offrons. Déjà il existe une différence de près de 4° entre la démarcation de l'Oukase du 4 (16) Septembre, 1821, et celle que nous indiquons aujourd'hui. Les établissemens des Compagnies Angloises peuvent occuper cet intervalle. A l'est ils peuvent unir les deux côtes de l'Amérique; au midi rien n'empêche qu'ils n'acquièrent une extension considérable. Pour nous, nous bornons nos demandes à celle d'une simple lisière du continent, et afin de lever toute objection, nous garantissons la libre navigation des fleuves, nous annonçons l'ouverture du Port de Novo-Archangelsk.

La Russie ne sauroit pousser plus loin ses concessions. Elle n'en fera pas d'autres, et elle est autorisée à en attendre de la part de l'Angleterre; mais encore une fois, elle ne réclame que des concessions négatives. On ne peut effectivement assez le répéter, d'après le témoignage des cartes les plus récentes, l'Angleterre ne possède aucun établissement, ni à la hauteur du Portland Canal, ni au bord même de l'océan, et la Russie, quand elle insiste sur la conservation d'un médiocre espace de terre ferme, n'insiste au fond que sur le moyen de faire valoir; nous dirons plus, de ne pas perdre les îles environnantes. C'est la position dont nous parlions tout à l'heure; nous ne recherchons aucun avantage; nous voulons éviter de graves inconvéniens.

En résumé, M. le Comte, si l'on consulte le droit dans cette négociation, la Russie a celui qu'assure, d'une part, un consentement tacite, mais incontestable, de l'autre, une exploitation paisible depuis vingt-cinq ans et qui peut être considérée comme équivalente à une occupation continue.

Si l'on invoque le principe des convenances mutuelles, la Russie laisse au développement progressif des établissemens Anglois une vaste étendue de côte et de territoire; elle leur assure de libres débouchés; elle pourvoit aux intérêts de leur commerce, et pour compenser tant d'offres dictées par le plus sincère esprit de conciliation, elle se réserve uniquement un point d'appui sans lequel il lui seroit impossible de garder une moitié de ses domaines.

De telles vues n'ont besoin que d'être présentées dans leur vrai jour pour qu'un Gouvernement comme celui de la Grande-Bretagne sache les apprécier. Douter de son adhésion dans cette circonstance, ce seroit douter de sa justice; et il vous sera facile, l'Empereur se plait à le croire, d'obtenir le consentement définitif de l'Angleterre à une transaction qui rempliroit nos vœux et nos espérances, en prévenant toute discussion ultérieure.

Recevez, &c.
(Signed) NESSELRODE.

(Translation.)

My Lord, *St. Petersburgh, April* 17, 1824.

By my despatches of the 17th of this month* I have made known to your Excellency the unsatisfactory results of our negotiations with Sir C. Bagot in regard to the boundary lines which are to separate the Russian possessions from the English possessions along the north-west coast of America.

To-day, my Lord, I will explain to you the motives which have prevented us from accepting the proposals of the English Ambassador.

Not to enter further than is necessary into too long details, I will limit myself to discussing here that point of the question on which we were not able to agree.

The Ukase of 4th (16th) September, 1821, carried the domains of Russia on the north-west coast of the American continent down to the 51st degree of north latitude. Nevertheless, the Emperor, being convinced that at almost the same epoch the English Hudson's Bay Company had formed establishments about 53° and 54° north latitude, and that these establishments were not very far removed from the coast, has authorized us to give at the outset of the negotiations a proof of his conciliatory intentions in declaring to Sir Charles Bagot that we would confine ourselves within the limits assigned to our American possessions by the Charter of the Emperor Paul; that in consequence the line of the 55th degree of north latitude would constitute on the south the frontier of the States of His Imperial Majesty; that upon the continent and towards the east this frontier could run along the mountains which follow the sinuosities of the coast as far as Mount Elias, and that from this point we would fix the limits of the respective possessions according to the 140th degree of longitude west from the meridian of Greenwich.

In order not to cut Prince of Wales Island, which, according to this arrangement, would remain to Russia, we proposed to carry the southern frontier of our domains to latitude 54° 40′, and to make it abut upon the continent at the Portland Canal, of which the opening into the

* The Russian archives show that this despatch was composed March 17 (29), 1824 (same date as Sir C. Bagot's No. 31), and "this month" means March.

ocean is at the same latitude as Prince of Wales Island, and which has its origin inland between 55° and 56° of latitude.

This proposal will assure to us merely a narrow "lisière" (strip of territory) upon the coast itself, and will leave to the English establishments all the needful space for increase and extension.

You will see, my Lord, by the annexed documents, that we further announced the opening of the Port of Novo-Archangelsk, and that we promised free navigation of the rivers which might be within our territory.

After some discussion the last counter-propositions of Sir Charles Bagot were to include all of Prince of Wales Island within the Russian territory, but to stipulate that our boundary line, on leaving this island, should follow the pass called Duke of Clarence Sound, and should not strike the coast until above 56° north latitude.

This difference, if regarded on the map, would appear insignificant at the first glance. It is, nevertheless, so essential to us that it is absolutely impossible for us to accept the plan of demarcation traced by the Plenipotentiary of His Britannic Majesty.

We explained to him in our response to his second verbal note and in our answer of the 18th (19th) March reasons that we could not overlook, and which seemed to us conclusive. The Emperor charges you, my Lord, to request the Cabinet of St. James to weigh them with the most careful attention, and His Majesty is pleased to believe that, upon impartial examination, it will hasten to recognize the weight and justice of our reasons.

In the first place, no nation has protested against the Charter of the Emperor Paul, and this universal silence may and should be regarded as a recognition of our rights.

The objection is raised that we have not made establishments on the north-west coast below the 57° of latitude. This is true, but during the season of hunting and fishing the coast and the neighbouring waters are exploited by our American Company far beyond the 55° and 54° parallels. This is the only manner of occupation of which these localities admit, or, at least, the only one that is necessary, with Colonies founded and organized a little farther north. We have, then, full right to insist on the continuance of a privilege which our commerce secured as early as 1799, while the English Hudson Bay and North-West Companies have hardly been three years in the vicinity of these latitudes, and they do not yet occupy any point which touches the ocean, and it is well known that it is only with a view to the future that they are trying to secure for themselves the profits of the hunting and fishing. Thus, we wish to keep, and the English Companies wish to obtain. This circumstance alone is sufficient to justify our proposals. The latter are no less consistent with the principle of mutual expediency, which should serve as a basis for the negotiations.

If Prince of Wales Island remains to us, it is necessary that it can be of some utility to us. Now, according to the plan of the British Ambassador, it would be for us only a burden, and perhaps an inconvenient one. That island, in fact, and the establishments which we might set up thereon, would find themselves entirely isolated, deprived of all support, surrounded by the domains of Great Britain, and at the mercy of the English establishments of the coast. We would exhaust ourselves in the cost of guarding and watching our part, without any compensation to alleviate the burden. Would such an arrangement be founded on the principle of mutual expediency?

We have all the more right to appeal to this principle, since England herself has proved by an authentic act that she regarded her rights to the territory, the surrender of which she demands, as doubtful. The Convention of 20th October, 1818, between the Court of London and the United States, declares that all the extent of country between the Rocky Mountains, the Pacific Ocean, and the Russian possessions shall be the common property of the two Powers for ten years. The titles of the United States to the possession of this territory are, therefore, as valid as those of England. Nevertheless, the Cabinet of Washington has admitted that our boundary should come down as far as 54° 40′. This has been admitted in a formal agreement that we have just signed with its Plenipotentiary, and the strengthening of our arguments is far from being the only result of this admission; it has other consequences to which we rightly attach the greatest importance.

Free from anxiety on this side, we have now nothing to fear, and the London Cabinet will doubtless acknowledge that such a condition of affairs increases the value of the sacrifices that we are offering to make. There is already a difference of nearly 4 degrees between the demarcation of the Ukase of the 4th (16th) of September, 1821, and the one that we now point out. The establishments of the English Companies could occupy the intervening space. On the east, they could unite the two coasts of America; on the south, nothing prevents their wide extension. For ourselves, we limit our demands to a mere strip of the continent, and in order to remove all cause for objection we guarantee the free navigation of the rivers and announce the opening of the Port of Novo-Archangelsk.

Russia cannot stretch her concessions further. She will make no others, and she is authorized to expect some concessions on the part of England; but once again, she demands only negative concessions. It cannot be reiterated with sufficient positiveness that, according to the most recent charts, England possesses no establishment, either up to the latitude of Portland Channel or on the shore of the ocean itself; and Russia, when she insists on conserving a moderate expense of the mainland ("terre ferme") only insists fundamentally upon the means of utilizing—we can better say of not losing—the environing islands. This is the position of which we just spoke: we seek no advantage, we wish to avoid serious difficulties.

To sum up, my Lord, so far as the question of right in this affair is concerned, Russia has that derived, on the one hand, from a tacit and undeniable consent; on the other, from a peaceful exploitation for the last twenty-five years, which may be considered as equivalent to a continuous occupation.

So far as the principle of mutual expediency is concerned, Russia leaves an enormous stretch of coast and land to the progressive development of the English establishments; she insures them free outlets; she provides for the interests of their commerce, and, in compensation for all these benefits, which the most sincere spirit of conciliation has impelled her to offer, she reserves for herself only one point of support, without which it would be impossible for her to keep half of her domains.

It is only necessary that these views be presented in a proper light to insure their appreciation on the part of a Government like that of Great Britain. To doubt its compliance in this matter would be to doubt its justice, and the Emperor is pleased to believe that it will be easy for you to obtain the definitive consent of England to a compromise which, by preventing all future discussion, would satisfy our desires and our hopes.

Receive, &c.
(Signed) NESSELRODE.

No. 33.

Mr. G. Canning to Sir C. Bagot.

(No. 18.)
Sir, *Foreign Office, April* 24, 1824.

YOUR despatches to No. 23, inclusive, received here on the 14th instant by the messenger Draffen (after an unusually expeditious journey), have been laid before the King.

The courier whom your Excellency mentioned as being dispatched to Count Lieven at the same time with Draffen has not yet arrived—at least so I learn from Count Lieven, who denies having yet received the instructions which he is promised.

I take advantage of the departure of Sir Alexander Malet, whom His Majesty has been pleased to allow to be attached to your Excellency's Embassy (Mr. Bloomfield, whose assistance I had so long ago promised, not being yet able to leave England), to acknowledge the receipt of your late despatches, but I must refer your Excellency for any detailed observations upon them to what I shall write to you by a messenger, whom I intend to dispatch so soon as I shall have conferred with Count Lieven on the contents of his promised instructions.

I will not, however, defer till that opportunity the informing your Excellency that your conduct in suspending the negotiation with respect to the north-west coast of America, when you found that the modifications, which you judiciously took upon yourself to make in your instructions, were not met by corresponding concessions on the part of the Russian Government, has received His Majesty's gracious approbation.

I have referred the whole question of this negotiation anew to the Governors of the Hudson Bay Company, whose report I expect shortly to receive.

I have some reason to think that that report will recommend the policy of closing with the Russian proposals rather than leaving the points in dispute unsettled for an indefinite time. It will then remain to consider, after I shall have learnt the tenour of the instructions sent to Count Lieven, whether it may be most expedient for the King's service to carry on the ulterior discussions with the Russian Ambassador here or to authorize your Excellency to resume and conclude the negotiation.

I am, &c.
(Signed) GEORGE CANNING.

No. 34.

Mr. G. Canning to Count Lieven.

(Extract.) *Foreign Office, May* 29, 1824.

AFTER mature consideration of the two despatches from Count Nesselrode to your Excellency on the 5th ultimo, copies of which your Excellency had the goodness to put into my hands, I have the satisfaction to acquaint your Excellency that I shall be enabled shortly to send to His Majesty's Ambassador at St. Petersburgh such instructions on the subject-matter of both as shall meet, in a great degree, the wishes of your Court.

I. As to the line of demarcation to be drawn between Russian and British occupation on the north-west coast of America, Sir Charles Bagot's discretion will be so far enlarged as to enable him to admit, with certain qualifications, the term last proposed by the Russian Government.

The qualifications will consist chiefly in a more definite description of the limit to which the strip of land required by Russia on the continent is to be restricted; in the selection of a somewhat more western degree of longitude as the boundary to the northward of Mount Elias; in precise and positive stipulations for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas, straits, and waters which the limits assigned to Russia may comprehend.

It can hardly be expected that we should not also put in our claim for the like privileges of trade as are, or may be, stipulated with Russia by any other nation; and we take for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September 1821, are to be altogether withdrawn.

No. 35.

Count Lieven to Count Nesselrode.—(Received June 5 (17).)

M. le Comte, *Londres, le 20 Mai (1er Juin), 1824.*

AU moment où j'allais expédier à votre Excellence mes Rapports de ce jour sub Nos. 84–95, je fus mis en possession de la dépêche qu'elle m'a fait l'honneur de m'adresser sous la date de 5 Avril, et qui contient les dernières propositions de notre Cour, relativement à la ligne de démarcation qui doit séparer les possessions Russes des possessions Anglaises sur la côte nord-ouest de l'Amérique.

Comme la réception de cette pièce avait coincidé avec l'arrivée d'un courrier Autrichien, porteur de l'opinion du Cabinet de Vienne sur le Mémoire de notre Cour concernant la pacification de la Grèce, et que dans ses entretiens le Secrétaire d'État m'avait fait entrevoir que la rentrée de ces documens serait suivie de près de la remise des réponses du Gouvernement Britannique, j'ai cru, M. le Comte, devoir profiter de cette double circonstance pour chercher à soumettre au Ministère Impérial par la même voie les déterminations définitives du Cabinet Anglais sur ces deux sujets. Cette considération m'engagea à remettre le départ du courrier que j'allais diriger sur Saint-Pétersbourg, et Mr. Canning, que j'en informai, me donna l'assurance qu'il me mettrait à même de justifier complettement la cause de ce retard.

Néanmoins un surcroît de travaux Parlementaires, l'arrivée de la réponse du Cabinet de Madrid sur la question des colonies et les nouvelles subséquentes de Lisbonne absorbèrent à tel point tous les loisirs du Secrétaire d'État, que ce n'est que depuis hier que j'ai obtenu à force d'instances la réponse que votre Excellence trouvera ci-joint en original et en traduction.

Mr. Canning ayant réuni les deux sujets dans un même cadre, je suivrai l'ordre qu'il a observé, en abordant en premier lieu la question de la négociation ayant trait à la fixation des limites sur la côte nord-ouest de l'Amérique.

I. Votre Excellence observera par la dépêche de Mr. Canning que le Gouvernement Anglais consent à admettre les termes dernièrement proposés par notre Cour, et que Sir Charles Bagot va recevoir l'autorisation de signer sur ces bases la Convention qui réglera définitivement l'état de nos frontières en Amérique. Les conditions mises à la discrétion de l'Ambassadeur Britannique sur ce point ne paraîtront peut-être pas au Ministère Impérial de nature à diminuer le prix de cette Concession.

Elles consistent—

(*a.*) "Dans une désignation plus précise des limites dans lesquelles la portion de territoire réclamée par la Russie sur le continent doit être renfermée."

La proposition de notre Cour était de faire courir cette frontière le long des montagnes qui suivent les sinuosités de la côte jusqu'au Mont Elie. Le Gouvernement Anglais admet complettement cette ligne telle qu'elle se trouve désignée sur les cartes; mais comme il croit que celles-ci sont imparfaites, et que les montagnes devant servir de frontière pourraient, en s'écartant de la côte au delà de la ligne indiquée, enclaver une étendue de territoire considérable, il désire que celle que nous réclamons soit plus précisément designée, afin de ne point céder en réalité au delà de ce que notre Cour demande, et de ce que l'Angleterre est disposée à accorder.

(*b.*) "Dans la fixation d'un degré de longitude plus occidental que la limite désignée par notre Cour au nord du Mont Élie."

Le Cabinet Impérial a proposé que cette limite soit formé par une ligne de prolongation tracée vers le nord, à partir du 139° de longitude (méridien de Greenwich). En suivant cette direction, la frontière Russe aboutirait, selon le Gouvernement Anglais, à l'embouchure supposée de la Rivière de Mackenzie, qu'une expédition envoyée tout récemment par ce Gouvernement vient encore d'être chargée d'explorer plus en détail. La fixation de cette limite pourrait donc, à son avis, amener une collision entre les possessions des deux Gouvernemens, qu'il est dans l'intérêt et l'intention de tous les deux d'éviter. Pour atteindre ce but, le Cabinet de Londres propose que la ligne de démarcation, en partant du Mont Élie, au lieu de suivre la prolongation du 139° de longitude, prenne une direction plus occidentale suffisante pour l'écarter de l'embouchure de la Rivière Mackenzie.

Mr. Canning m'a assuré qu'il a rencontré les plus grandes difficultés à faire consentir les Compagnies de la Baie de Hudson et du Nord-Ouest au plan de démarcation proposé par notre Cour, et qu'elles considèrent surtout la cession de l'île entière du Prince de Galles comme bien plus importante qu'elle ne semble à la Russie.

A l'observation que j'ai faite au Secrétaire d'État sur l'inutilité des réclamations insérées dans sa réponse au sujet du libre usage des rivières enclavées dans les possessions Russes ou des mers avoisinantes, et relativement aux droits énoncés dans l'Oukase de l'année 1821, sur la navigation exclusive du nord de l'Océan Pacifique, vu que le premier de ces objets avait été explicitement accordé par notre Cour, et que l'autre point se trouvait aplani par la Convention conclue avec les États-Unis, Mr. Canning me répondit que ces deux demandes n'avaient pas été articulées par lui pour les faire valoir aux yeux de notre Gouvernement, mais uniquement pour pouvoir lui offrir des argumens contre ses adversaires parlementaires dans le cas où cette pièce serait soumise à la Chambre, et le mettre à même de prouver que, si le Gouvernement Anglais faisait un abandon de droits à la Russie, il n'en stipulait pas moins en même temps une juste réciprocité de concessions. L'arrière-pensée de l'effet que ses actes publics pourront produire au Parlement perce dans toutes

les pièces qui émanent du Secrétaire d'État, et si je n'avais désiré en cette occasion éviter les inconvéniens que j'ai trouvés à plus d'une reprise à me reposer sur de seules explications verbales, je n'aurais point insisté, comme je l'ai fait, sur une déclaration écrite, où je m'attendais que le Secrétaire d'État chercherait à couvrir sa responsabilité sous toutes les réserves que le sujet admettait.

(Here follows the Greek question.)

(Translation.)

Count, *London, May* 20 (*June* 1), 1824.

Just as I was about to send your Excellency my Reports of to-day, under Nos. 84-95, I received the despatch which you did me the honour to address me under date of the 5th (17th) April, and which contains the last propositions of our Government with regard to the line of demarcation which is to separate the Russian possessions from the English possessions on the north-west coast of America.

As the receipt of this document coincided with the arrival of an Austrian courier, the bearer of the opinion of the Cabinet of Vienna on the Memorandum of our Court concerning the pacification of Greece, and as the Secretary of State had given me reason to expect that the arrival of these documents would be speedily followed by the delivery of the replies of the British Government, I thought, Count, that I ought to avail myself of this double incident to endeavour to submit to the Imperial Ministry, by the same channel, the final decisions of the English Cabinet upon these two subjects. This consideration induced me to postpone the departure of the courier, whom I was about to dispatch to St. Petersburgh, and Mr. Canning, whom I informed of it, gave me the assurance that he would enable me to give perfectly satisfactory reasons for this delay.

Nevertheless, an increase of Parliamentary labours, the arrival of the reply of the Cabinet of Madrid upon the question of the Colonies, and the subsequent news from Lisbon, absorbed all the leisure of the Secretary of State to such a degree that it was not until yesterday that I obtained, by dint of urgent solicitation the reply which your Excellency will find inclosed, in the original and in translation.

As Mr. Canning has united the two subjects in the same document, I shall follow the order which he has observed, and shall first take up the question of the negotiations relating to the settlement of the boundaries on the north-west coast of America.

I. Your Excellency will notice by Mr. Canning's despatch that the English Government agrees to accept the terms last proposed by our Court, and that Sir Charles Bagot is about to receive authority to sign, upon these bases, the Convention which will permanently settle the state of our frontiers in America. The conditions placed at the discretion of the British Ambassador on this point will probably not appear to the Imperial Ministry of a nature to diminish the value of this concession.

They consist—

(*a.*) "Of a more definite description of the limits within which the portion of territory obtained by Russia on the continent is to be inclosed."

The proposition of our Court was to make this frontier run along the mountains which follow the windings of the coast to Mount Elias. The English Government fully accepts this line as it is laid off on the maps; but, as it thinks that the maps are defective, and that the mountains which are to serve as a frontier might, by leaving the coast beyond the line designated, inclose a considerable extent of territory, it wishes the line claimed by us to be described with more exactness, so as not to cede, in reality, more than our Court asks and more than England is disposed to grant.

(*b.*) "Of the selection of a degree of longitude farther to the west than the line designated by our Court north of Mount Elias."

The Imperial Cabinet proposed that this boundary should be formed by a line of prolongation drawn towards the north, beginning at the 139th degree of longitude west of Greenwich. By following this direction the Russian frontier would end, according to the English Government, at the supposed mouth of the Mackenzie River, which an expedition sent very recently by that Government has just been again ordered to explore more in detail. The establishment of that boundary might, consequently, produce a collision between the possessions of the two Governments, which it is in the interests and intentions of both to avoid. In order to attain this end, the Cabinet of London proposes that the line of demarcation, starting from Mount Elias, instead of following the prolongation of the 139th degree of longitude, shall take a more western course, sufficient to divert it from the mouth of the Mackenzie River.

Mr. Canning assured me that he had found the greatest difficulty in gaining the consent of the Hudson Bay and North-West Companies to the plan of demarcation proposed by our Court, and that they regard, especially the cession of the whole of Prince of Wales Island, as of much greater importance than it appears to Russia.

To the remarks which I made to the Secretary of State as to the uselessness of the demands inserted in his reply on the subject of the free use of the rivers inclosed in the Russian possessions, and of the neighbouring seas, and with respect to the rights asserted in the Ukase of the year 1821, concerning the exclusive navigation of the northern part of the Pacific Ocean, as the first of these points had been expressly granted by our Court, and the other was settled by

the Convention concluded with the United States, Mr. Canning replied that these two demands had not been formulated by him for their weight in the eyes of our Government, but only to furnish him with arguments against his adversaries in Parliament in case this document should be submitted to the House, and to enable him to prove that, if the English Government abandoned any rights to Russia, it none the less stipulated a just reciprocity of Concessions. The secret thought of the effect which his public acts may produce in Parliament displays itself in all the documents emanating from the Secretary of State, and if I had not been particularly desirous on this occasion to avoid the inconveniences which I have more than once found in trusting to merely oral explanations, I would not have insisted as I did upon a written declaration, in which I expected that the Secretary of State would endeavour to conceal his responsibility under all the reservations that the subject admitted.

(Here follows the Greek question.)

No. 36.

Count Lieven to Count Nesselrode.

(Extrait.) *Londres, le* 21 *Mai* (2 *Juin*), 1824.

J'AURAIS été inconsolable si ce long délai avait été perdu pour le bien des affaires; mais j'ai au moins la satisfaction de vous annoncer que le Cabinet Anglais admet le principe des dernières propositions de notre Cour, relatives à la délimitation de nos possessions sur la côte nord-ouest de l'Amérique. Cet assentiment est, à la vérité, accompagné de la demande de quelques modifications, mais qui semblent être de peu de valeur pour nous, et que la latitude accordée à Bagot pourra faire mitiger s'il y avait lieu.

Canning, je dois l'avouer, a mis beaucoup de bonne volonté à nous satisfaire complettement; mais il avait à lutter contre une forte opposition de la part des Compagnies intéressées.

(Translation.)

(Extract.) *London, May* 21 (*June* 2), 1824.

I would have been inconsolable if this long delay had been of no advantage to our affairs, but I have at least the satisfaction of informing you that the English Cabinet admits the principle of the last propositions of our Court relating to the demarcation of our possessions on the north-west coast of America. It is true that this acquiescence is accompanied by the demand for some modifications, but which appear to be of little importance to us and which the latitude granted to Bagot may moderate if there is any necessity for it.

I must confess that Canning has exerted himself very faithfully to satisfy us completely but he had to struggle against a violent opposition on the part of the Companies interested.

No. 37.

Mr. G. Canning to Sir C. Bagot.

(No. 22.) *Foreign Office, May* 29, 1824.

Sir,

I TRANSMIT to your Excellency a copy of a letter which I have addressed to Count Lieven upon the subject-matter of two despatches from Count Nesselrode to Count Lieven, which that Ambassador communicated to me, and copies of which I also inclose.

Your Excellency will learn from my letter to Count Lieven that you may expect definitive instructions very shortly, both for the conclusion of the negotiation relating to the north-west coast of America and to the proposed conference on the pacification of Greece.

I hope to dispatch a messenger to your Excellency with these instructions in the course of the next week.

Meantime the inclosed paper will put your Excellency generally in possession of the sentiments of His Majesty's Government upon these several subjects. But your Excellency will not take any step upon them until you shall have received my promised instructions.

I am, &c.

(Signed) GEORGE CANNING.

No. 38.

Mr. G. Canning to Sir C. Bagot.

(No. 26.) *Foreign Office, July* 12, 1824.

Sir,

AFTER full consideration of the motives which are alleged by the Russian Government for adhering to their last propositions respecting the line of demarcation to be drawn between British and Russian occupancy on the north-west coast of America; and of the comparative inconvenience of admitting some relaxation in the terms of your Excellency's last instructions, or of having the

question between the two Governments unsettled for an indefinite time, His Majesty's Government have resolved to authorize your Excellency to consent to include the south points of Prince of Wales Island within the Russian frontiers, and to take as the line of demarcation, a line drawn from the southernmost point of Prince of Wales Island from south to north through Portland Channel, till it strikes the mainland in latitude 56; thence following the sinuosities of the coast, along the base of the mountains nearest the sea to Mount Elias, and thence along the 139th degree of longitude to the Polar Sea.

I inclose the draft of a "projet" of Convention founded upon these principles, which your Excellency is authorized to sign previously to your quitting St. Petersburgh.

The advantages conceded to Russia by the line of demarcation, traced out in this Convention, are so obvious, as to render it quite impossible that any objection can reasonably be offered on the part of the Russian Government to any of the stipulations in our favour.

There are two points which are left to be settled by your Excellency:—

1. In fixing the course of the eastern boundary of the strip of land to be occupied by Russia on the coast, the seaward base of the mountains is assumed as that limit; but we have experience that other mountains on the other side of the American continent, which have been assumed in former Treaties as lines of boundary, are incorrectly laid down in the maps; and this inaccuracy has given rise to very troublesome discussions. It is therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St. Elias, is not carried too far inland.

This is done by a proviso that that line should in no case (*i.e.*, not in that of the mountains, which appear by the map almost to border the coast, turning out to be far removed from it) be carried further to the east than a specified number of leagues from the sea. The utmost extent which His Majesty's Government would be disposed to concede would be a distance of 10 leagues; but it would be desirable if your Excellency were enabled to obtain a still more narrow limitation.

2. Article V of the "projet" is copied from Article IV of the Convention between Russia and the United States of America. By the American Article the right of visiting respectively and resorting to each other's possessions is limited to ten years. This limitation is left in blank in the "projet."

We should have no objection to agree to the Article without any limitation of time. We should prefer a longer period (say twenty years) to that stipulated by the Americans. Your Excellency will obtain either of these extensions if you can, but you must not agree to a shorter term than ten years.

Your Excellency will be careful to make it understood that this limitation of time cannot in any case extend to the use by Great Britain of the Harbour of New Archangel, still less of the rivers, creeks, &c., on the continent, the use of all which is in the nature of a compensation for the perpetual right of territory granted to Russia, and, therefore, must be alike perpetual. If your Excellency shall, as I cannot doubt, conclude and sign this Convention before your departure, you will make it a point to bring with you the ratification of the Russian Government to be exchanged by Count Lieven against that of His Majesty.

I have, &c.
(Signed) GEORGE CANNING.

Inclosure in No. 38.

Draft Convention.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of friendship and good understanding which unite them, by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions and establishments on the north-west coast of America; their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c.;

And His Majesty the Emperor of all the Russias, &c.;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

SA Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui régleroit, sur le principe d'une convenance réciproque, différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique; leurs dites Majestés ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, &c.;

Et Sa Majesté l'Empereur de toutes les Russies, &c.;

Lesquels, après s'être réciproquement communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

ARTICLE I.

It is agreed between the High Contracting Parties that their respective subjects shall enjoy the right of free navigation along the whole extent of the Pacific Ocean, comprehending the sea within Bering Straits, and shall neither be troubled nor molested in carrying on their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than 2 marine leagues from the respective possessions of the other.

ARTICLE II.

The line which separates the possessions of the two High Contracting Parties upon the continent and the islands of America to the north-west shall be drawn in the manner following:—

Commencing from the two points of the island called "Prince of Wales Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the channel called Portland Channel, till it strikes the coast of the continent lying in the 56th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article:—

1. That the said line of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than marine leagues in breadth from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall for ever freely navigate and travel along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well to those inhabiting or visiting the interior of this continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

ARTICLE IV.

The Port of Sitka or Novo-Archangelsk shall be, and shall for ever remain, open to the commerce of the subjects of His Britannic Majesty.

ARTICLE I.

Il est convenu entre les Hautes Parties Contractantes que leurs sujets respectifs navigueront librement dans toute l'étendue de l'Océan Pacifique, y comprise la mer au dedans du Détroit dit de Bering, et ne seront point troublés ni molestés en exerçant leur commerce et leurs pêcheries, dans toutes les parties du dit océan, tant au nord qu'au sud.

Bien entendu que la dite liberté de pêcherie ne sera exercée par les sujets de l'une des deux Puissances qu'à la distance de 2 lieues maritimes des possessions respectives de l'autre.

ARTICLE II.

La ligne séparative entre les possessions des deux Hautes Parties Contractantes sur le continent et les îles de l'Amérique du nord-ouest sera tracée de la manière suivante: –

En commençant des deux points de l'île dite du "Prince de Galles," qui en forment l'extrémité méridionale, lesquels points sont situés sous le parallèle de 54° 40′, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la ligne de la frontière entre les possessions Britanniques et Russes remontera, au nord, par la passe dite le Portland Channel, jusqu'à ce qu'elle touche à la côte de la terre ferme située au 56e degré de latitude nord. De ce point elle suivra cette côte parallèlement à ses sinuosités, et sous ou dans la base vers la mer des montagnes qui la bordent, jusqu'au 139e degré de longitude ouest du dit méridien. Et de là, la susdite ligne méridionale du 139e degré de longitude ouest, en sa prolongation jusqu'à la Mer Glaciale, formera la limite des possessions Britanniques et Russes, sur le dit Continent de l'Amérique du nord-ouest.

ARTICLE III.

Il est convenu, néanmoins, par rapport aux stipulations de l'Article précédent:—

1. Que la susdite lisière de côte sur le Continent de l'Amérique, formant la limite des possessions Russes, ne doit, en aucun cas, s'étendre en largeur depuis la mer vers l'intérieur, au delà de la distance de lieues maritimes, à quelque distance que seront les susdites montagnes.

2. Que les sujets Britanniques navigueront et commerceront librement à perpétuité sur la dite lisière de côte, et sur celle des îles qui l'avoisinent.

3. Que la navigation et le commerce des fleuves du continent traversant cette lisière seront libres aux sujets Britanniques, tant à ceux habitant ou fréquentant l'intérieur de ce continent, qu'à ceux qui aborderont ces parages du côté de l'Océan Pacifique.

ARTICLE IV.

Le Port de Sitka ou Novo Archangelsk sera, et restera à jamais, ouvert au commerce des sujets de Sa Majesté Britannique.

ARTICLE V.

With regard to the other parts of the north-west coast of America, and of the islands adjacent thereto, belonging to either of the two High Contracting Parties, it is agreed that, for the space of years from the April, 1824, their respective vessels, and those of their subjects, shall reciprocally enjoy the liberty of visiting, without hindrance, the gulfs, havens, and creeks of the said coast, in places not already occupied, for the purposes of fishery and of commerce with the natives of the country.

It being understood:

1. That the subjects of either of the High Contracting Parties shall not land at any spot where there may be an establishment of the other, without the permission of the Governor or other authority of the place, unless they should be driven thither by stress of weather or other accidents.

2. That the said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores. The High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any matter whatever, to the natives of the country.

ARTICLE V.

Par rapport aux autres parties des côtes du Continent de l'Amérique du nord-ouest, et des îles qui l'avoisinent, appartenantes à l'une et à l'autre des deux Hautes Parties Contractantes, il est convenu que pendant l'espace de dix ans à compter du Avril, 1824, leurs vaisseaux respectifs, et ceux de leurs sujets, pourront réciproquement fréquenter, sans entrave, les golphes, havres, et criques des dites côtes, dans des endroits non déjà occupés, afin d'y faire la pêche et le commerce avec les naturels du pays.

Bien entendu:

1. Que partout où il se trouvera un établissement de l'une des Hautes Parties Contractantes, les sujets de l'autre ne pouront y aborder, sans la permission du Commandant ou autre préposé de cet endroit, à moins qu'ils n'y seront forcés par tempêtes ou quelque autre accident.

2. Que la dite liberté de commerce ne comprendra point celui des liqueurs spiritueuses, ni des armes à feu, des armes blanches, de la poudre à canon, ou d'autres espèces de munitions de guerre. Tous lesquels articles les deux Puissances s'engagent réciproquement de ne point laisser vendre ni transférer, en manière quelconque, aux indigènes de ces pays.

ARTICLE VI.

No establishment shall, in future, be formed by British subjects, either upon the coast or upon the borders of the continent comprised within the limits of the Russian possessions designated in Article II; and, in like manner, no such establishments shall be formed by Russian subjects beyond the said limits.

ARTICLE VI.

Dorénavant il ne pourra être formé par les sujets Britanniques aucun établissement, ni sur les côtes ni sur la lisière du continent comprises dans les limites des possessions Russes désignées par l'Article II; et de même, il n'en pourra pas être formé aucun par des sujets Russes hors des dites limites.

ARTICLE VII.

Such British and Russian vessels navigating these seas, as may be compelled by stress of weather, or by any other accident, to take shelter in the respective ports, shall be at liberty to refit therein, to provide themselves with all necessary stores, and to put to sea again, without the payment of any duties except port and lighthouse dues, not exceeding those paid by national vessels. In case, however, the master of such ship should be obliged to dispose of some of his merchandise in order to defray his expenses, he shall conform himself to the Regulations and Tariffs of the place where he may have landed.

ARTICLE VII.

Les vaisseaux Britanniques et Russes naviguant dans ces mers, qui seront forcés par des tempêtes, ou par quelque autre accident, à se réfugier dans les ports respectifs, pourront s'y radouber et s'y pourvoir de toutes choses nécessaires, et se remettre en mer librement, sans payer aucun droit hors ceux de port et des fanaux, qui n'excéderont pas ce que payent les navires indigènes. A moins que le patron d'un tel navire ne se trouveroit dans la nécessité de vendre quelque marchandise pour défrayer ses dépenses; auquel cas, il sera tenu de se conformer aux Ordonnances et Tarifs de l'endroit où il aura abordé.

ARTICLE VIII.

In every case of complaint on account of an infraction of the Articles of the present Convention, the officers employed on either side, without previously engaging themselves in any violent or forcible measures, shall make an exact and circumstantial report of the matter to their respective Courts, who will arrange the same, according to justice, in a friendly manner.

ARTICLE VIII.

Dans tous les cas de plainte par rapport à l'infraction des Articles du présent Accord, les officiers et employés de part et d'autre, sans se permettre au préalable aucune violence ni voye de fait, seront tenus de rendre un rapport exact de l'affaire et de ses circonstances, aux Cours respectives, lesquelles la termineront selon la justice et à l'amiable.

ARTICLE IX.

The present Convention shall be ratified, and the ratifications shall be exchanged at within the space of months, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at the day of , in the year of Our Lord 1824.

ARTICLE IX.

La présente Convention sera ratifiée, et les ratifications en seront échangées à dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à le , l'an de Grâce 1824.

No. 39.

Mr. G. Canning to Sir C. Bagot.

(No. 29.)

Sir, *Foreign Office, July* 24, 1824.

THE "projet" of a Convention which is inclosed in my No. 26 having been communicated by me to Count Lieven, with a request that his Excellency would note any points in it upon which he conceived any difficulty likely to arise, or any explanation to be necessary, I have received from his Excellency the Memorandum a copy of which is here inclosed.

Your Excellency will observe that there are but two points which have struck Count Lieven as susceptible of any question. The first, the assumption of the base of the mountains instead of the summit as the line of boundary; the second, the extension of the right of the navigation of the Pacific to the sea beyond Bering Straits.

As to the first, no great inconvenience can arise from your Excellency (if pressed for that alteration) consenting to substitute the summit of the mountains instead of the seaward base, provided always that the stipulation as to the extreme distance from the coast to which the "lisière" is in any case to run, be adopted (which distance I have to repeat to your Excellency should be made as short as possible), and provided a stipulation be added that no forts shall be established or fortifications erected by either party on the summit or in the passes of the mountains.

As to the second point, it is perhaps, as Count Lieven remarks, new. But it is to be remarked, in return, that the circumstances under which this additional security is required will be new also.

By the territorial demarcation agreed to in this "projet," Russia will become possessed, in acknowledged sovereignty of both sides, of Bering Straits.

The Power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner; but the shutting up of Bering Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.

Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen have been and are still employed in enterprises interesting not to this country alone, but to the whole civilized world.

The protection given by the Convention to the American coasts of each Power may (if it is thought necessary) be extended in terms to the coasts of the Russian Asiatic territory; but in some way or other, if not in the form now prescribed, the free navigation of Bering Straits and of the seas beyond them must be secured to us.

These being the only questions suggested by Count Lieven, I trust I may anticipate with confidence the conclusion and signature of the Convention nearly in conformity to the "projet," and with little trouble to your Excellency.

The long delay of the ship makes it peculiarly satisfactory to me to have reduced your Excellency's task in this matter within so small a compass.

I am, &c.

(Signed) GEORGE CANNING.

No. 40.

Memorandum from Count Lieven on the North-west Coast Convention.

LE projet de Convention rédigé par le Cabinet Anglais fait courir la limite des possessions Russes et Anglaises sur la côte nord-ouest d'Amérique au sud du Mont Élie; *le long de la base des montagnes qui suivent les sinuosités de cette côte.* Il est à observer qu'en thèse générale, lorsqu'une chaîne de montagnes sert à fixer une limite quelconque, c'est toujours la *cime* de ces montagnes qui forme la ligne de démarcation. Dans le cas dont il s'agit ici le mot de *base* par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne parait guère propre à mettre la délimitation à l'abri de toutes contestations ultérieures, car il ne serait point impossible, vu le peu de certitude des notions géographiques que l'on possède encore sur ces parages, que les montagnes désignées pour limite s'étendissent par une pente insensible jusqu'aux bords même de la côte.

Quant à la clause du même "projet," ayant pour but d'assurer aux vaisseaux Anglais l'entrée libre dans la Mer Glaciale par le Détroit de Bering, il semble en premier lieu que cette condition, entièrement nouvelle, est par sa nature étrangère à l'objet spécial de la négociation; et les termes généraux dans lesquels elle est conçue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel pour ne point exposer les côtes de ses possessions Asiatiques dans la Mer Glaciale aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers.

(Translation.)

The plan of the Agreement drawn up by the English Cabinet makes the boundary-line of the Russian and English possessions on the north-west coast of America, south of Mount Elias, run *along the base of the mountains which follow the sinuosities of the coast.* It is to be observed that, as a general rule, when a chain of mountains serves to fix any boundary-line, it is always the *summit* of the mountains which constitutes the line of demarcation. In the case now under consideration, the word *base*, because of its indefinite meaning and the greater or less expansion that can be given to it, seems hardly of a nature to fix the boundary-line beyond all further question, for it is certainly not among the impossibilities, in view of the uncertain ideas yet prevalent in regard to the geography of these regions, that mountains chosen for boundary-lines should extend, by an imperceptible declivity, to the very edge of the coast.

As to the clause of the same "plan" which has for object to insure free entry to English vessels within the Arctic Sea by way of Bering Strait, it would seem in the first place that this condition, entirely new as it is, is by its very nature foreign to the special purpose of the negotiation, and the general terms in which it is expressed may perhaps make the Imperial Government hesitate to admit it, unless its present form is modified so as not to expose the coasts of its Asiatic possessions in the Arctic Sea to the difficulties which might arise from the visits of foreign ships.

No. 41.

Count Lieven to Count Nesselrode.—(Received August 7 (19).)

M. le Comte, *Londres, le* 13 (25) *Juillet*, 1824.

PAR ma dépêche de 20 Mai (1er Juin), No. 96, j'avais l'honneur d'informer votre Excellence de l'expédition prochaine à Sir Charles Bagot de nouvelles instructions pour la conclusion définitive de la Convention qui doit régler l'état de nos frontières en Amérique. J'ai aujourd'hui la satisfaction de vous annoncer, M. le Comte, que Mr. Canning va profiter du départ Mr. Ward pour transmettre à l'Ambassadeur Britannique l'autorisation de signer cet Acte. Le Secrétaire d'État a même été plus loin. Il a dressé d'avance un projet de Convention dont il m'a permis de prendre lecture.

Dans ce projet, dont le plan est en grande partie basé sur la Convention déjà conclue sur la même objet entre le Cabinet Impérial et celui de Washington, j'ai remarqué avec plaisir que le Gouvernement Anglais renonçait entièrement à la prétention qu'il avait émise en dernier lieu, relativement à la fixation d'un degré de longitude plus occidental que la limite désignée par notre Cour, à partir du Mont Élie, et qu'il admet aujourd'hui, sans restriction, que cette limite sera formée par une ligne de prolongation tracée vers le nord, en suivant la direction due 139e degré de longitude.

Quant à la frontière des possessions respectives au sud du Mont Élie, c'est de long de la base des montagnes qui suivent les sinuosités du rivage que Mr. Canning la fait courir. J'ai cru devoir lui représenter que lorsqu'on fait servir une chaîne de montagnes à la fixation d'une limite quelconque, c'est toujours *la cime* de ces montagnes qui forme la ligne de démarcation; et qu'en cette circonstance, le mot de *base*, par le sens indéfini qu'il présente, et le plus ou moins d'extension qu'on peut lui donner, ne me paraissait pas propre à mettre la délimitation dont il s'agit à l'abri de toute contestation.

Du reste, M. le Comte, tout ce qui regarde les droits de navigation réciproques des deux Puissances dans ces parages m'a semblé complètement d'accord avec ce qui a déjà été réglé entre notre Cour et les États-Unis. Mr. Canning a seulement ajouté la condition de la libre entrée des vaisseaux Anglais dans la Mer Glaciale par le Détroit de Bering. J'ai objecté au Secrétaire d'État que cette clause, entièrement nouvelle, est, par sa nature, étrangère à l'objet spécial de la négociation, et que les termes généraux dans lesquels elle est conçue feront peut-être hésiter le Gouvernement Impérial à l'admettre sans en modifier l'énoncé actuel, pour ne point exposer les côtes de ses possessions Asiatiques aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers. Mr. Canning m'a répondu que deux motifs l'avaient engagé à en faire mention: (1) Afin que les expéditions dirigées vers le pôle puissent obtenir une issue libre de la Mer Glaciale à la Pacifique, si jamais le passage, objet de tant de recherches, venait à être enfin découvert, et (2) pour que la Russie ne puisse, dans la suite des temps, se prévaloir de la possession des deux rives qui forment le Détroit de Bering, pour en défendre l'entrée, comme ont fait autrefois les Danois au Sund, et aujourd'hui les Turcs aux Dardanelles.

Telles sont, M. le Comte, les explications qui ont eu lieu à ce sujet entre le Secrétaire d'État et moi; et Mr. Canning ayant pris en considération les objections qu'une lecture rapide du projet de Convention m'a suggérées, il m'a promis de mettre Sir Charles Bagot à même

de satisfaire entièrement notre Cour, pour le cas où elle jugerait à propos de reproduire mes arguments.

J'ai, &c.

(Translation.)

Count. *London, July* 13 (28), 1824.

In my despatch of the 20th May (1st June), No. 96, I had the honour to notify your Excellency of the approaching sending to Sir Charles Bagot of new instructions for the definitive conclusion of the Convention which is to settle the status of our frontiers in America. I have now the satisfaction of informing you, M. le Comte, that Mr. Canning is going to take advantage of the departure of Mr. Ward to transmit to the British Ambassador the authority to sign that Act. The Secretary of State has even gone further. He has drawn up beforehand a draft of a Convention, which he has permitted me to read.

In this draft, the plan of which is, in great measure, based upon the Convention already concluded, upon the same subject, between the Imperial Cabinet and that of Washington, I noticed with pleasure that the English Government entirely renounced the demand which it had made recently with regard to fixing upon a degree of longitude farther to the west than the boundary designated by our Court, beginning at Mount Elias, and that it now agrees, without reservation, that that boundary shall be formed by a line of prolongation drawn toward the north, following the direction of the 139th degree of longitude.

As regards the frontier of the respective possessions to the south of Mount Elias, Mr. Canning makes it run along the base of the mountains which follow the sinuosities of the coast. I thought it my duty to represent to him that when a chain of mountains is made to serve for the establishment of any boundary whatever, it is always the crest of those mountains that forms the line of demarcation; and that, in this case, the word "base," from the vague meaning attached to it, and the greater or less extension which may be given to it, did not appear to me adapted to protecting the delimitation in question from all controversy.

As to the rest, M. le Comte, all that relates to the mutual rights of navigation of the two Powers in those waters appeared to me to be in perfect agreement with what has already been arranged between our Court and the United States. Mr. Canning only added the condition that free entrance shall be allowed to English vessels into the Arctic Ocean through Bering Strait. I objected to the Secretary of State that this clause, which is an entirely new one, is, from its nature, foreign to the special subject of the negotiations, and that the general terms in which it is couched will perhaps cause the Imperial Government to hesitate to accept it without amending its present language, in order not to expose the coasts of its Asiatic possessions to the inconveniences which might arise from the visits of foreign vessels.

Mr. Canning replied that he had been induced to mention it for two reasons: first, in order that expeditions sent towards the Pole may obtain a free passage from the Arctic Ocean to the Pacific, if the passage which has been the object of so many explorations should ever be discovered; and second, in order that Russia may not, in the course of time, take advantage of their possession of both coasts forming Bering Strait to prohibit [foreign vessels] from entering it, as was formerly done by the Danes in the Sound, and as is now done by the Turks in the Dardanelles.

Such, M. le Comte, are the explanations which took place on this subject between the Secretary of State and myself; and Mr. Canning, after considering the objections which a rapid reading of the draft of Convention suggested to me, promised me that he would enable Sir Charles Bagot to satisfy our Court completely, in case it should think proper to reproduce my arguments.

I have, &c.

No. 42.

Mr. Addington to Mr. G. Canning.—(Received September 8.)

(No. 39.)

Sir, *Washington, August* 2, 1824.

A CONVENTION concluded between this Government and that of Russia for the settlement of the respective claims of the two nations to the intercourse with the north-western coast of America reached the Department of State a few days since.

The main points determined by this instrument are, as far as I can collect from the American Secretary of State, (1) the enjoyment of a free and unrestricted intercourse by each nation with all the settlements of the other on the north-west coast of America; and (2) a stipulation that no new settlements shall be formed by Russia south, or by the United States north, of latitude 50° 40′.

The question of the *mare clausum*, the sovereignty over which was asserted by the Emperor of Russia in his celebrated Ukase of 1821, but virtually, if not expressly, renounced by a subsequent declaration of that Sovereign, has, Mr. Adams assures me, not been touched upon in the above-mentioned Treaty.

Mr. Adams seemed to consider any formal stipulation recording that renunciation as unnecessary and supererogatory.

I have, &c.

(Signed) H. U. ADDINGTON.

No. 43.

Sir C. Bagot to Mr. G. Canning.—(Received September 9.)

(No. 41.)

Sir, *St. Petersburgh, August* 12, 1824.

YOU will certainly learn with considerable surprise that, so far from having it in my power, as I had confidently hoped that I should have, to bring with me on my return to England a Treaty signed and ratified by the Russian Government, upon the subject of the north-west coasts of America, I am already enabled to acquaint you that, after only two meetings with the Russian Plenipotentiaries, I have ascertained that it is totally impossible to conclude with them any arrangement upon the subject which is at all reconcilable with the "projet" transmitted to me in your despatch No. 26 of the 12th of last month, even if I were to take upon myself to exercise, upon several points of it, a discretion which is not given to me by your instructions.

To satisfy His Majesty's Government upon this subject, it seems only necessary that I should transmit to you the inclosed copy of a "contre-projet" offered to me by the Imperial Plenipotentiaries on the day after our first meeting, viz., on Saturday last, the 21st instant.

The differences between this "contre-projet" and the "projet" which I had given in are, in many respects, unimportant, consisting either in unnecessary changes in the expressions, or in the order of the articles, or in other minor points, none of which, as I have reason to think, would have been tenaciously adhered to, and of which some might have been safely admitted. But there are three points upon which the differences appear to be almost, if not altogether, irreconcilable.

These points are:

1. As to the opening *for ever* to the commerce of British subjects of the port of Novo Archangelsk.

2. As to the liberty to be granted to British subjects to navigate and trade *for ever* along the coast of the lisière which it is proposed to cede to Russia, from the Portland Channel to the 60th degree of north latitude, and the islands adjacent.

3. As to the liberty to be given reciprocally to each Power to visit for a term of years the other parts of the north-west coasts of America.

As to the first of these points, the Russian Plenipotentiaries declare that, however disposed they might and probably should be to renew this liberty to His Majesty's subjects at the expiration of ten years, they can under no circumstances consent to divest themselves for ever of a discretionary power in this respect by granting such a privilege in perpetuity.

Upon this point I reminded the Plenipotentiaries that the freedom of the port of Novo Archangelsk was originally offered to Great Britain by themselves, unsolicited and unsuggested by me, in the first "contre-projet" which they gave to me in our former Conferences; that the same offer had been repeated by Count Nesselrode in his despatch to Count Lieven of the 5th April last, and that upon neither occasion had it been accompanied by any restriction as to any period of time. It is admitted to me that no period of time was specified upon those occasions, but that it was never intended to declare that the freedom should be perpetual, and that they could never be induced to grant it upon such terms.

As to the second point: The Russian Plenipotentiaries declare that they are ready to grant to His Majesty's subjects for ten years, but for no longer period, the liberty to navigate and trade along the coast of the lisière proposed to be ceded to Russia, from the Portland Channel to the 60th degree of north latitude, and the islands adjacent, and that they are ready to grant *for ever* the right of ingress and egress into and from whatever rivers may flow from the American continent and fall into the Pacific Ocean within the above-described lisière, but that they can, under no circumstances and by no supposed correspondent advantages, be induced to grant to any power the privilege to navigate and trade in perpetuity within a country the full sovereignty of which was to belong to Russia; that such perpetual concession was repugnant to all national feeling and was inconsistent with the very idea of sovereignty.

As regards the third point, the Russian Plenipotentiaries declared that the coasts of North America extending from the 60th degree of north latitude to Bering Straits, the liberty to visit which, under certain conditions, is stipulated in the "projet" by Great Britain, in return for a similar liberty to be given, under the same conditions, to Russian subjects to visit the North American coasts belonging to His Majesty, are and have always been the absolute and undisputed territory of His Imperial Majesty, and that it is not the intention of His Imperial Majesty to grant to any Power whatever for any period of time the liberty which is required.

These are the three principal points upon which I was yesterday distinctly given to understand that the Russian Government would consider it their duty to insist, and consequently that, unless my instructions should enable me to modify the "projet" so far as regarded them, the negotiations must be considered as at an end.

It is, I believe, scarcely necessary that, after having stated this, I should trouble you with any further observations upon the subject.

The other differences which exist between the "projet" and the "contre-projet," though numerous, are, as I have said before, of minor importance, and such as would, I think, have been easily adjusted. What they are will be best shown by the "contre-projet" inclosed.

I hope that His Majesty's Government will give me credit for not having too hastily supposed that the objections urged by the Russian Plenipotentiaries were insurmountable. I am, I think, too well acquainted with, and have too long negotiated upon, this subject to have deceived myself in this respect, and I am fully persuaded, from what has passed between Count Nesselrode, M. Poletica, and myself since the arrival of your instructions, that the determination of the Russian Government is now taken rather to leave the question unsettled between the two

Governments for any indefinite time than to recede from their pretensions so far as they regard the three points which I have particularly specified.

In closing yesterday the Conference, which assured me that all further chance of negotiation was, for the present at least, terminated, I thought it my duty to remind the Russian Plenipotentiaries that the maritime jurisdiction assumed by Russia in the Pacific, which he had hoped to see revoked in the simplest and least unpleasant manner by mixing it with a general adjustment of other points, remained, by breaking off our negotiations, still unretracted; and that my Government would probably be of opinion that upon that part of the question some arrangement must yet be entered into.

It may be proper to add that, in reference to the 6th Article of the "contre-projet," I gave the Russian Plenipotentiaries distinctly to understand that neither His Majesty's Government nor those of the other maritime Powers of the world would, as I thought, be likely to accept the free navigation of Bering Straits as a concession on the part of Russia.

I have, &c.
(Signed) CHARLES BAGOT.

Inclosure in No. 43.

Counter-Draft of the Russian Plenipotentiaries.

SA Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande voulant resserrer les liens d'amitié et de bonne intelligence qui les unissent, moyennant un accord qui réglerait d'après le principe des convenances réciproques, les limites de leurs possessions et établissemens sur la côte nord-ouest de l'Amérique, ainsi que différens points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir, &c., lesquels, après s'être communiqué, &c., ont arrêté et signé les Articles suivans:—

ARTICLE I.

La ligne de démarcation entre les possessions des deux Hautes Parties Contractantes sur la côte nord-ouest de l'Amérique et les îles adjacentes sera tracée ainsi qu'il suit:—

A partir des deux points qui forment l'extrémité méridionale de l'île dite du Prince de Galles, laquelle appartiendra tout entière à la Russie, points situés sous la parallèle du 54° 40′ de latitude nord, et entre les 131° et 133° de longitude ouest (méridien de Greenwich), la ligne de la frontière entre les possessions Russes et les possessions Britanniques remontera au nord par la passe, dite le Portland Channel, jusqu'au point où cette passe se termine dans l'intérieur de la terre ferme au 56° de latitude nord. De ce point, elle suivra cette côte parallèlement à ses sinuosités jusqu'au 139° de longitude ouest (même méridien) et de là, la frontière entre les possessions respectives sur le continent Américain sera formée par la ligne du susdit degré de longitude dans sa prolongation jusqu'à la Mer Glaciale.

ARTICLE II.

La lisière de la côte nord-ouest appartenant à la Russie depuis le Portland Channel jusqu'au point d'intersection du 139° de longitude ouest (méridien de Greenwich) n'aura point en largeur sur le continent plus de 10 lieues marines à partir du bord de la mer.

ARTICLE III.

Il est convenu—

1. Que dans les possessions des deux Puissances, telles qu'elles sont désignées aux Articles précédens et nommément jusqu'à la hauteur du 59° 30′ de latitude nord, mais point au delà, leurs vaisseaux respectifs et ceux de leurs sujets auront pendant dix ans à compter du 5 (17) Avril, 1824, la faculté réciproque de fréquenter librement les golphes, hâvres, criques, dans les parties des îles et des côtes, qui ne seraient point occupées par des établissemens soit Russes, soit Britanniques, et d'y faire la pêche et le commerce avec les naturels du pays.

2. Que partout où il y aura un établissement de l'une des Hautes Puissances Contractantes, les sujets de l'autre ne pourront y aborder sans la permission du commandant ou préposé du lieu, sauf les cas d'accidens ou de tempête.

3. Que la liberté de commerce ci-dessus mentionnée ne comprendra ni les liqueurs spiritueuses, ni les armes à feu et armes blanches, ni la poudre à canon et autres munitions de guerre: tous articles que les Hautes Puissances Contractantes s'engagent réciproquement à ne pas laisser vendre par leurs sujets respectifs aux naturels de la côte et des îles nord-ouest de l'Amérique.

4. Que sur la lisière de la dite côte indiquée en l'Article II de la présente Convention comme appartenant à la Russie les sujets de Sa Majesté Britannique jouiront à perpétuité de la libre navigation des fleuves, soit qu'ils habitent l'intérieur du continent, soit qu'ils veulent y arriver de l'Océan Pacifique au moyen de ces mêmes fleuves.

5. Que le port de Sitka ou Novo-Archangelsk sera ouvert, pendant dix ans, au commerce étranger, et qu'à l'expiration de ce terme cette franchise sera renouvelée suivant les convenances de la Russie.

ARTICLE IV.

A l'avenir il ne pourra être formé aucun établissement par les sujets de Sa Majesté Britannique dans les limites des possessions Russes désignées aux Articles I et II et de même il n'en pourra être formé aucun par les sujets de Sa Majesté l'Empereur de Toutes les Russies hors des dites limites.

ARTICLE V.

Les Hautes Puissances Contractantes stipulent en outre que leurs sujets respectifs navigueront librement, sur toute l'étendue de l'Océan Pacifique, tant au nord qu'au sud, sans entrave quelconque, et qu'ils jouiront du droit de pêche en haute mer, mais que ce droit ne pourra jamais être exercé qu'à la distance de 2 lieues marines des côtes ou possessions, soit Russes, soit Britanniques.

ARTICLE VI.

Sa Majesté l'Empereur de Toutes les Russies, voulant même donner une preuve particulière de ses égards pour les intérêts des sujets de Sa Majesté Britannique et rendre plus utile le succès des entreprises, qui auraient pour résultat de découvrir un passage au nord du continent Américain, consent à ce que la liberté de navigation mentionnée en l'Article précédent s'étende, sous les mêmes conditions, au Détroit de Behring et à la mer située au nord de ce détroit.

ARTICLE VII.

Les vaisseaux Russes et Britanniques naviguant sur l'Océan Pacifique et la mer ci-dessus indiquée, qui seroient forcés par les tempêtes ou par quelque avarie, de se réfugier dans les ports respectifs des Hautes Parties Contractantes, pourront s'y radouber, s'y pourvoir de tous les objets qui leur seront nécessaires et se remettre en mer librement, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront fixés pour eux du même montant que pour les navires nationaux.

En pareilles occasions les patrons des bâtimens, soit Russes, soit Britanniques, seront tenus de se conformer aux Lois, Ordonnances, et Tarifs en vigueur dans le port, où ils auront abordé.

ARTICLE VIII.

Dans tous les cas de plainte sur l'infraction des Articles du présent accord, les officiers et fonctionnaires publics s'abstiendront de part et d'autre de toute violence ou voye de fait, et rendront un compte exacte de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles termineront le différend à l'amiable, et selon les principes d'une mutuelle justice.

ARTICLE IX.

La présente Convention sera ratifiée et les ratifications en seront échangées dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Saint-Pétersbourg, le , 1824.

(Translation.)

His Majesty the Emperor of All the Russias and His Majesty the King of the United Kingdom of Great Britain and of Ireland, desiring to draw still closer the ties of friendship and of good understanding which unite them, by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the boundaries of their possessions and establishments on the north-west coast of America, as well as different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say, &c., who, after having communicated to each other, &c., have decided upon and signed the following Articles:—

ARTICLE I.

The line of demarcation between the possessions of the two High Contracting Parties on the north-west coast of America and the adjacent islands shall be drawn in the following manner:

Beginning at the two points which form the southern extremity of the island called "Prince of Wales Island," which latter shall belong wholly to Russia, the points being situated in the parallel of 54° 40′ of north latitude and between the 131st degree and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the Russian possessions and the English possessions shall ascend northerly along the channel called Portland Channel as far as the point where this channel terminates in the interior of the mainland ("terre ferme") at the 56th degree of north latitude. From this point it shall be carried along the coast, in a direction parallel to its sinuosities, as far as the 139th degree of west longitude (same meridian); and from there the boundary-line between the respective possessions on the American continent shall be formed by the line of the said degree of longitude in its extension as far as the Arctic Ocean.

ARTICLE II.

The "lisière" (strip of territory) on the north-west coast belonging to Russia, from Portland Channel to the point of intersection of the 139th degree of west longitude (meridian of Greenwich), shall not be wider on the continent than 10 marine leagues from the shore of the sea.

ARTICLE III.

It is agreed—

1. That in the possessions of the two Powers, as they are set forth in the preceding Articles, and particularly as far as the 59° 30′ of north latitude but not beyond their respective vessels and those of their subjects shall have during ten years counting from the 5th (17th) of April, 1824, the reciprocal right of freely visiting the gulfs, havens, and creeks in portions of the islands and coasts which may not be occupied by establishments, either Russian or British, for the purposes of fishery and of commerce with the natives of the country.

2. That wherever there may be an establishment of one of the High Contracting Parties the subjects of the other shall not land without permission of the Governor or the authority in charge of the place, except in cases of accident or of storm.

3. That the above-named liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, side-arms, gunpowder, or other warlike stores; all which articles the High Contracting Powers reciprocally engage not to permit to be sold by their respective subjects to the natives of the north-west coast or islands of America.

4. That on the strip of the said coast indicated in Article II of the present Convention as belonging to Russia the subjects of His Britannic Majesty shall for ever enjoy the free navigation of the rivers, whether they inhabit the interior of the continent or whether they wish to reach the same from the Pacific Ocean by means of these rivers.

5. That the Port of Sitka or Novo-Archangelsk shall be opened during ten years to foreign commerce, and that at the expiration of this period this privilege shall be renewed according to the convenience of Russia.

ARTICLE IV.

No establishment shall, in future, be formed by the subjects of His Britannic Majesty within the limits of the Russian possessions designated in Articles I and II, and, in the same way, none shall be formed by the subjects of His Majesty the Emperor of All the Russias outside of the said limits.

ARTICLE V.

The High Contracting Parties stipulate further that their respective subjects shall freely navigate on all the extent of the Pacific Ocean, as well in the north as in the south, without any hindrance whatever, and that they shall enjoy the right of fishing on the high seas, but that such right shall never be exercised except at the distance of 2 marine leagues from either the British or Russian coasts or possessions.

ARTICLE VI.

His Majesty the Emperor of All the Russias, wishing to give a special proof of his regard for the interests of the subjects of His Britannic Majesty, and to make more effective the success of the enterprises which may result in discovering a passage north of the American continent, consents to extend the freedom of navigation mentioned in the preceding Article, under the same conditions, to Bering Strait and the sea lying north of that strait.

ARTICLE VII.

Russian and British ships navigating the Pacific Ocean and the above-mentioned sea, which may be forced through stress of weather or on account of damage to take refuge in the respective ports of the High Contracting Parties, shall be at liberty to refit therein, provide themselves with all the necessary stores, and put to sea again without the payment of any duties except port and lighthouse dues, which, shall be fixed for them, at the same amounts as those paid by national vessels.

On such occasions the masters of the ships, whether Russian or British, shall be under the necessity of conforming to the laws, Ordinances, and Tariffs in force in the port where they may have landed.

ARTICLE VIII.

In all cases of complaint as to infractions of the Articles of the present Agreement, the public officers and functionaries on both sides shall refrain from all violence and forcible measures, and shall render an exact account of the affair and the circumstances thereof to their respective Courts, which shall arrange the matter in a friendly way and according to the principles of mutual justice.

ARTICLE IX.

The present Convention shall be ratified and the ratifications shall be exchanged within the period of months, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at St. Petersburgh, the , 1824.

No. 44

Count Nesselrode to Count Lieven.—(Sent September 13, 1825.)

Penza, le 31 *Août*, 1824.

PAR sa dépêche No. 96, votre Excellence m'avait transmis un office que lui avait adressé Mr. Canning après avoir discuté avec elle les questions de limites et de juridiction maritime qu'il s'agissait de résoudre entre la Russie et l'Angleterre sur la côte nord-ouest de l'Amérique.

Dans cet office Mr. Canning, appréciant les dernières propositions que nous avions faites à Sir Charles Bagot, vous annonçait, M. le Comte, qu'elles seraient acceptées, sauf quelques nuances et quelques clauses additionnelles qui ne changeraient en rien le fond de notre projet d'arrangement.

Ces clauses devaient consister dans la définition plus précise de la lisière que nous posséderions sur le continent Américain, dans la fixation d'un degré de longitude plus occidental, à partir du Mont St. Elie, et dans la libre navigation des fleuves, mers, détroits, et anses que comprendraient les domaines de Sa Majesté Impériale.

Comme nous avions déja déclaré antérieurement que l'Oukase du 4 (16) Septembre, 1821, ne s'exécuterait pas en ce qui concernait l'étendue de 100 milles en mer dont il interdisait la navigation aux vaisseaux étrangers, que d'une autre part nous nous étions empressés nous-mêmes d'offrir aux sujets de Sa Majesté Britannique, dans nos négociations avec Sir Charles Bagot, la liberté de descendre et de remonter tous les fleuves qui traverseraient notre territoire sur la côte nord-ouest ; il nous parût que les modifications désirées par Mr. Canning ne donneraient lieu à aucune difficulté et nous nous flattions qu'aussitôt que l'Ambassadeur d'Angleterre recevrait des instructions définitives, nous pourrions conclure avec lui une transaction également conforme aux droits et aux intérêts des deux Puissances.

Notre confiance nous semblait d'autant plus fondée que Sir Charles Bagot nous avait déclaré à plusieurs reprises, et que Mr. Canning répétait dans son office ci-dessus mentionné,* que l'Angleterre se bornerait à demander pour son commerce dans ces parages les privilèges que la Russie accorderait ou qu'elle aurait accordés à d'autres nations. Ce point devait donc, suivant toute probabilité, être aussi facile à régler que les autres.

Cependant, trois mois s'écoulèrent sans que les instructions du Plénipotentiaire de la Cour de Londres lui fussent expédiées, et lorsqu'elles arrivèrent enfin par l'intermédiaire de Mr. Ward quelques jours avant notre départ, nous trouvâmes, à notre grand regret, qu'elles consistaient en un projet de Convention, qui sous plusieurs rapports très essentiels étaient bien loin de remplir notre attente.

Vous en avez pris, M. le Comte, une lecture rapide, mais pour que vous puissiez mieux le juger je vous en adresse une copie. J'ai consigné dans des notes marginales quelques remarques de détail, et je me réserve de vous développer dans cette dépêche les observations les plus importantes, celles qui regardent des clauses qu'il nous est complètement impossible d'admettre.

Elles sont au nombre de trois :

1. La liberté pour les sujets Anglais de faire la chasse, la pêche, et le commerce avec les naturels

* See Note A.

de pays à perpétuité sur toute cette partie de la côte qui forme le sujet de la discussion et qui s'étend du 59° de latitude nord au 54° 40′.

2. La liberté pour les sujets Anglais de faire la chasse, la pêche, et le commerce avec les naturels du pays pendant dix ans sur une autre partie de nos côtes et de nos îles depuis le 59° de latitude nord jusqu'au Détroit de Behring.

3. L'ouverture à perpétuité du Port de Sitka ou Novo-Archangelsk.

Ad 1: Le projet de Convention du Cabinet de Londres ne s'exprime pas avec une précision parfaite sur cet Article et ce sont nos explications verbales avec Sir Charles Bagot qui nos ont appris que l'Angleterre réclamait le droit de chasse, de pêche, et de commerce à perpétuité dans cette portion des domaines de la Russie, mais ces explications ont été si positives qu'elles ne nous ont laissé aucun doute sur les désirs du Cabinet Britannique.

Pour savoir si nous n'avions pas lieu d'en être étonnés et s'il nous est possible d'y condescendre, il suffit de relire d'un côté le passage de l'office de Mr. Canning, que j'ai cité plus haut, et de jeter les yeux de l'autre sur notre Convention avec les États-Unis.

Le Principal Secrétaire d'État de Sa Majesté Britannique vous a déclaré officiellement et par écrit que l'Angleterre réclamerait de notre part des priviléges de commerce semblables à ceux que nous accorderions à d'autres Puissances. Or, les États-Unis sont la seule Puissance à laquelle nous en ayons jamais accordé et ceux que nous leur avons garantis par la Convention du 5 (17) Avril de l'année courante ne doivent durer que dix ans.

Nous satisferions donc aux demandes que l'Angleterre elle-même nous a annoncées, en lui garantissant pour le même espace de tems les mêmes privilèges. Comment pourrions-nous d'ailleurs consentir, sous ce rapport en faveur des sujets Britanniques, à des prérogatives que nous venons de refuser aux sujets Américains. Les sujets Britanniques, nous ne saurions trop le répéter, n'ont jamais poussé ni leurs établissemens ni leurs opérations de commerce jusqu'à la côte nord-ouest. Le témoignage des cartes les plus récentes publiées en Angleterre révèle et démontre ce fait. Si les Compagnies de la Baie d'Hudson et du Nord-Ouest approchent de la côte, ce n'est que depuis trois ans à peine, tandis que les sujets Américains ont constamment fréquenté ces parages, et ce sont leurs entreprises qui ont fait naître les discussions que nous travaillons à terminer. Nous serait-il possible après cela, quand même nos intérêts nous le permettraient, de leur donner pour dix ans ce que nous donnerions à perpétuité aux sujets Britanniques?

Nous avons bien voulu supposer que, malgré une prise de possession formelle, une longue occupation des points principaux, une exploitation paisible des sources de revenu et de richesse qu'offrent les contrées dont il s'agit les droits de souveraineté de la Russie jusqu'au 51° de latitude nord pouvaient être la matière d'un doute. Nous les avons bornés en conséquence au 54° 40′, et pour qu'il ne pût s'élever à cet égard aucune réclamation nouvelle, nous avons permis que sur toute l'étendue de côte où nos droits avaient été contestés, une des Puissances avec laquelle nous étions en litige partageât pendant dix ans les bénéfices de la chasse, de la pêche, et du commerce avec les indigènes. Nous offrons les mêmes avantages à l'Angleterre, mais les accorder à perpétuité, ce serait n'obtenir la reconnaissance de nos titres de souveraineté que pour en abdiquer l'exercice, ce serait consentir à ne posséder désormais que de nom ce que nous possédons de fait aujourd'hui.

Le Ministère Anglais sera frappé de ces considérations, et nous osons croire que dès lors il réduira les demandes renfermées dans son projet de Convention touchant les priviléges de commerce, aux termes de ses déclarations antérieures.

Ad 2: Outre la faculté de faire la chasse, la pêche, et le commerce à perpétuité sur la partie de la côte nord-ouest qui nous appartiendrait depuis le 54° 40′ de latitude nord jusqu'au 59°, le Cabinet de St. James, selon le sens que Sir Charles Bagot attachait à ses propositions, réclama la même faculté pour dix ans sur la côte et les îles qui s'étendent du 59° au Détroit de Behring.

Ici nous citerons encore l'office que Mr. Canning vous a adressé, M. le Comte, en date du 29 Mai.* Il y est dit que l'Angleterre demanderait le libre usage de tous les fleuves qui traverseraient la lisière de côte appartenant à la Russie, et de toutes les mers, détroits, baies, &c., qui se trouveraient dans ses domaines. . . . Quelques lignes plus bas l'office du Principal Secrétaire d'État ajoute qu'il regarde comme entendu et stipulé que la Russie retire toutes les prétentions exclusives qu'elle avait mises en avant dans l'Oukase de 1821, relativement à la navigation et à la juridiction de l'Océan Pacifique du Nord. Quand on compare ces deux demandes qui se suivent de si près et qui s'expliquent et se complettent pour ainsi dire, l'une par l'autre, il est difficile d'y trouver autre chose que la libre navigation des eaux et des mers qui baigneraient les possessions de la Russie. Or, cette liberté, nous nous sommes toujours montrés prêts à la garantir. Des ordres différens de la teneur de l'Oukase du 4 (16) Septembre, 1821, ont été expédiés à nos croisières dès l'ouverture des pourparlers, et nous nous engagerions volontiers par des stipulations formelles à laisser désormais les vaisseaux étrangers naviguer sans entraves sur toute l'étendue de l'Océan Pacifique Septentrional, en circonscrivant l'exercice de nos droits de juridiction maritime à la distance de 2 lieues marines de nos établissemens et de nos côtes jusque et y compris le Détroit de Behring, comme le propose le projet de Convention envoyé par le Cabinet de St. James, mais quant à la chasse, à la pêche, et au commerce avec les naturels du pays, nous ne pouvons nous empêcher d'établir une distinction importante.

Les titres de souveraineté de la Russie sur la côte nord-ouest lui ont été disputés à partir du 59° de latitude nord. En conséquence, depuis ce degré jusqu'au parallèle qui formerait notre limite méridionale, nous nous sommes empressés d'offrir des avantages particuliers aux Puissances avec lesquelles nous étions en discussion. Nous avons accordé pour dix ans aux Américains le droit de pêche, de chasse, et de commerce avec les naturels du pays, et nous souscrirons la même Conce[illegible] en faveur des sujets de Sa Majesté Britannique, mais il doit être bien entendu que cette Conce[illegible]e comprendra que l'espace renfermé entre le 59° et la limite méridionale de notre territoire, c'est-à-[illegible] 54° 40′, car au nord du 59° les titres de souveraineté de Sa Majesté Impériale n'ont jamais été mis en

* See Note B.

doute, non seulement dans aucun écrit officiel, mais encore dans aucun des articles que les feuilles d'Angleterre et d'Amérique ont publiés sur cette question. Pour peu qu'on veuille peser une circonstance aussi décisive prétendra-t-on que nous placions sur la même ligne les domaines disputés et ceux qui ne le sont pas, que nous nous soumettions pour les uns et les autres aux mêmes sacrifices, que nous excitions les justes alarmes de notre Compagnie Américaine, et qu'en ouvrant la chasse, la pêche, et le commerce avec les naturels du pays pour dix ans, nous exposions à une ruine totale des établissemens dont le nombre augmente de jour en jour dans des contrées qui nous appartiennent à tous les titres, qu'assurent une première découverte, une occupation immédiate et réelle qui compte près d'un siècle, et une possession paisible contre laquelle aucune Puissance n'a jamais réclamé. Certes, dans cette partie de ses domaines la Russie a bien le droit de ne prendre pour guide de ces Règlemens de commerce que ses propres besoins et ses propres convenances. Elle a bien le droit d'y recueillir librement tous les profits de la chasse et de la pêche, et sauf à respecter et à observer les principes généraux des lois qui prononcent sur les rapports réciproques des nations, elle est maîtresse d'y adopter toutes les mesures qu'elle juge utiles ou nécessaires.

C'est ainsi qu'elle ne saurait consentir à y admettre la concurrence des commerçans chasseurs ou pêcheurs étrangers, mais qu'en interdisant le commerce, la chasse, et la pêche elle n'interdira nullement la navigation et qu'elle bornera l'exercice de sa juridiction maritime à 2 lieues marines de ses côtes et de ses îles.

Ad 3: La troisième clause à laquelle nous ne saurions consentir dans le projet de Convention Britannique concerne l'ouverture à perpétuité du Port de Sitka ou Novo-Archangelsk.

C'est nous-mêmes qui, dans nos négociations avec Sir Charles Bagot, avons annoncé que le Port de Sitka serait ouvert aux vaisseaux et au commerce étrangers. Nous persistons dans nos intentions à cet égard, mais il nous est impossible de contracter un engagement indéfini, de nous lier les mains pour un avenir sans bornes. Nous pourrions garantir que le Port de Sitka ne serait pas fermé de dix ans, et au bout de dix ans il est probable que nous y laisserions subsister les Règlemens que nous y aurions introduits. Aller plus loin serait de notre côté un acte d'imprévoyance. Des conjonctions inattendues pourraient nous forcer à révoquer ou à modifier ces privilèges. C'est une latitude que tout Gouvernement doit se réserver en pareille occasion. Nous ne voyons pour nous aucune obligation d'y renoncer et nous n'y renoncerions pas sans nous exposer à de graves inconvéniens. Nous ne saurions donc dans cette circonstance signer de stipulation perpétuelle.

Tels sont, M. le Comte, les trois points du projet de Convention Britannique que l'Empereur n'a pas trouvés admissibles. Toutes les autres propositions de la Cour de Londres ont été acceptées, et nous avons remis à Sir Charles Bagot le contre-projet ci-joint. Ses instructions étaient trop précises pour qu'il put consentir à des modifications. La seule dont il nous ait parlé se réduisait à stipuler l'ouverture du Port du Sitka pour vingt ans, terme qui est encore trop long. Il ne nous est donc resté que la voie des explications directes, et nous nous plaisons à espérer qu'elles ne seront pas infructueuses.

Notre contre-projet reporte nos limites du 51° de latitude nord au 54° 40′. Il laisse aux établissemens que les Compagnies Anglaises pourront former un jour sur la côte nord-ouest tout le territoire situé au midi du Portland Channel. Il supprime la désignation des montagnes pour limites de la lisière de terre ferme que la Russie posséderait sur le continent Américain, et borne la largeur de cette lisière à 10 lieues marines d'après le désir de l'Angleterre. D'après son désir encore, il ouvre aux sujets Britanniques la navigation de tous les fleuves qui traverseraient cette lisière; enfin il leur assure des avantages égaux à ceux qu'ont obtenus les sujets des États-Unis, et il annulle de fait l'Oukase du 4 (16) Septembre, 1821, en déclarant d'une part que nous n'exercerons de juridiction maritime qu'à 2 lieues de nos côtes et de nos îles sur toute l'étendue de nos possessions, et en stipulant d'une autre, qu'aucune entrave ne sera mise ni à la libre navigation de l'Océan Pacifique, ni même au libre passage du Détroit de Behring.

Dans une négociation qui devait avoir pour base le principe des convenances réciproques nous croyons qu'il était difficile de respecter plus scrupuleusement toutes celles de l'Angleterre.

Votre Excellence aura soin de faire apprécier à Mr. Canning nos vues et notre constante modération. Elle lui représentera avec quel empressement nous avons admis toutes les demandes de la Grande-Brétagne qu'il nous était possible d'admettre; combien nous avons lieu de nous attendre maintenant à une juste réciprocité, combien notre projet est conforme aux déclarations renfermées dans l'office du Principal Secrétaire d'État de Sa Majesté Britannique en date du 29 Mai, et combien il serait utile, en adoptant ce contre-projet (car nous ne saurions pousser plus loin nos sacrifices), de terminer entre les deux Gouvernements des discussions toujours fâcheuses et dont on étoufferait jusqu'au dernier germe.

Votre Excellence est autorisée à donner lecture et copie de la présente dépêche à Mr. Canning, et dans vos entretiens avec ce Ministre vous pourrez, M. le Comte, ajouter l'observation que par notre Traité avec les États-Unis en date du 5 (17) Avril, nous n'avons jamais entendu leur accorder le droit de chasse, de pêche, et de commerce avec les indigènes pour dix ans, que dans celles de nos possessions que nous avait été contestées ou en d'autres termes dans l'espace compris entre le 54° 40′ et le 59° 30′ de latitude septentrionale.

Note A.—At this point is the following marginal note:—

"It can hardly be expected that we should not also put in our claim for the *like privileges of trade as are or may be stipulated with Russia by any other nation.*" (Office de Mr. Canning au Comte de Lieven en date du 29 Mai, 1824.)

Note B.—At this point is the following marginal note:—

"In precise and positive stipulation for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas which the limits assigned

to Russia may comprehend . . . and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean, which were put forward in the Ukase of September 1821, are to be altogether withdrawn." (Office de Mr. Canning au Comte de Lieven en date du 29 Mai, 1824.)

(Translation.)

Penza, August 31, 1824.

In your despatch No. 96, your Excellency sent me a Memorandum which Mr. Canning had addressed to you, after discussing with you the questions of boundary and maritime jurisdiction which were to be settled between Russia and England on the north-west coast of America.

In that Memorandum, Mr. Canning, in discussing the last propositions which we had made to Sir Charles Bagot, informed you, M. le Comte, that they would be accepted, with the exception of some shades of difference and some additional clauses, which would not change in the least the substance of our draft of settlement.

These clauses were to consist of a more exact description of the strip which we were to possess on the American continent, the selection of a degree of longitude more to the west, beginning at Mount St. Elias, and the free navigation of the rivers, seas, straits, and bays which the dominions of His Imperial Majesty might contain.

As we have already declared previously that the Ukase of September 4 (16), 1821, would not be executed so far as related to the sea limit of 100 miles within which it prohibited the navigation of foreign vessels; as, on the other hand, we ourselves had hastened to offer to the subjects of His Britannic Majesty, in our negotiations with Sir Charles Bagot, liberty to descend and to ascend all the rivers which might cross our territory on the north-west coast, it seemed to us that the modifications desired by Mr. Canning would not involve any difficulty, and we flattered ourselves that so soon as the English Ambassador should receive final instructions we could conclude with him an arrangement equally conducive to the rights and the interests of both Powers.

Our confidence seemed the better founded in that Sir Charles Bagot had declared to us on several occasions, and Mr. Canning repeated in his Memorandum mentioned above,* that England would confine herself to asking for her commerce in those waters the privileges which Russia might grant or which she might have granted to other nations. This point ought, therefore, according to all probability, to be as easy to settle as the others.

Nevertheless, three months elapsed before the instructions of the Plenipotentiary of the Court of London were sent to him, and when, at last, they arrived, by the hands of Mr. Ward, a few days before our departure, we found, to our great regret, that they consisted of a draft of a Convention which, in several very essential points, was very far from meeting our expectations.

You have read it rapidly, M. le Comte, but in order that you may form a better estimate of it I send you a copy. I have made, in some marginal notes, some remarks as to minor points, and I reserve to myself the duty of making, in this despatch, the most important observations, those concerning clauses which it is utterly impossible for us to accept.

They are three in number:

1. Liberty to English subjects to hunt, to fish, and to trade with the natives of the country, perpetually, on the whole of that part of the coast which constitutes the subject of the discussion, and which extends from 59° of north latitude to 54° 40'.

2. Liberty to English subjects to hunt, to fish, and to trade with the natives of the country for ten years on another part of our coasts and islands, from 59° north latitude to Bering Strait.

3. The permanent opening of the Port of Sitka or Novo-Archangelsk.

As to the first: The draft of Convention of the Cabinet of London does not express itself with perfect precision upon this Article and it was only through our oral conversations with Sir Charles Bagot that we learned that England demanded the right to hunt, to fish, and to trade, for ever in that part of the dominion of Russia; but those explanations were so positive that they left us in no doubt as to the wishes of the British Cabinet.

In order to know whether we had no reason to be surprised at it, and whether it is possible for us to grant it, it suffices to read again, on the one hand, the passage from Mr. Canning's Memorandum which I cited above, and, on the other hand, to glance at our Convention with the United States.

The Chief Secretary of State of His Britannic Majesty has declared to you officially and in writing that England would ask of us commercial privileges similar to those which we might grant to other Powers. Now, the United States is the only Power to which we have ever granted any, and those which we have guaranteed to her by the Convention of the 5th (17th) April of the present year, are to last only ten years.

We would, therefore, satisfy the demands which England herself has presented to us by guaranteeing the same privileges to her for the same space of time. Besides, how could we consent to grant to British subjects privileges of this kind which we have just refused to American subjects. The British subjects, and we can not repeat this too often, have never pushed either their establishments or their commercial operations as far as the north-west coast. The evidence of the latest maps published in England reveals and proves this fact. If the Hudson Bay and the North-west Companies have approached the coast it is only within the last three years, whereas the American subjects have constantly frequented these waters, and it is their enterprises that have given rise to the discussions which we are labouring to terminate.

* See Note A.

Would it be possible for us, after this, even if our interests permitted it, to give them for ten years [only] what we would give for ever to the British subjects.

We have been willing to suppose that, in spite of a formal taking possession, a long occupation of the principal points, and a peaceful exploitation of the sources of revenue and wealth presented by the countries in question, Russia's rights of sovereignty to the 51st degree of north latitude might be the subject of a doubt. We have, consequently, confined them to the 50° 40′, and, to prevent any new dispute from arising on this point, we have permitted one of the Powers with which we were in litigation to share for ten years, on the whole extent of the coast where our rights had been disputed, the profits of hunting, fishing, and trading with the natives. We offer the same advantages to England, but to grant them for ever would be to obtain the recognition of our rights of sovereignty only to abandon the exercise of them. It would be consenting to possess hereafter only in name what we now possess in fact.

The English Ministry will be struck by these arguments, and we venture to believe that it will then bring back to the terms of its previous declarations the demands contained in its draft of Convention with regard to commercial privileges.

As to 2: Besides the right to hunt, to fish, and to trade for ever on that part of the north-west coast which would belong to us from 54° 40′ of north latitude to 59°, the Cabinet of St. James, according to the meaning which Sir Charles Bagot attached to its propositions, demanded the same right for ten years on the coast and islands extending from 59° to Bering Strait.

Here we will again cite the Memorandum which Mr. Canning addressed to you, M. le Comte, under date of the 29th May.* It is there stated that England would demand the free use of all the rivers which might cross the strip of coast belonging to Russia, and of all the seas, straits, bays, &c., which might be within her dominions. . . . . A few lines farther down, the Memoradum of the Chief Secretary of State adds that he considers it to be understood and agreed upon that Russia will withdraw all the exclusive claims which she had set up in the Ukase of 1821 with respect to the navigation and jurisdiction of the North Pacific Ocean. When we compare these two demands, which follow each other so closely, and which, so to speak, explain and complete each other, with each other, it is difficult to find anything more in them than the free navigation of the waters and seas bathing the possessions of Russia. Now, we have always shown ourselves ready to guarantee this freedom [of navigation].

Orders differing from the tenour of the Ukase of the 4th (16th) September, 1821, were sent to our cruisers at the very opening of the negotiations, and we would willingly engage, by formal stipulations, to allow foreign vessels hereafter to navigate the whole extent of the North Pacific Ocean, without let or hindrance, confining the exercise of our rights of maritime jurisdiction to the distance of 2 marine leagues from our establishments and our coasts, up to and including Bering Strait, as the draft Convention sent by the Cabinet of St. James proposes; but as to hunting, fishing, and trading with the natives of the country, we cannot avoid making an important distinction.

Russia's right of sovereignty over the north-west coast, beginning at 59° of north latitude, have been disputed. Hence, between that degree and the parallel which would form our southern boundary, we hastened to offer special advantages to the Powers with which we were in dispute. We granted to the Americans for ten years the right to fish, to hunt, and to trade with the natives of the country, and we will make the same Concession in favour of the subjects of His Britannic Majesty; but it must be well understood that this Concession will only comprise the space inclosed between latitude 59° and the southern boundary of our territory, to wit, latitude 54° 40′, for to the north of the 59th degree His Imperial Majesty's rights of sovereignty have never been questioned, not only in no official document, but in none of the articles which the English and American newspapers have published on this subject.

If any weight is attached to such a decisive fact as this, will it be asked that we shall place the disputed and the undisputed territory on the same footing, that we shall submit to the same sacrifices for both, that we shall arouse the just alarm of our American Company, and that by throwing open for ten years the hunting, the fishing, and the trade with the natives of the country, we shall expose to total ruin establishments which are increasing in number every day, in regions which belong to us by every title that can be conferred by a first discovery, an immediate and actual occupation of more than a century, and a peaceful possession against which no Power has ever protested? Assuredly, in this part of her dominions Russia has certainly the right to be guided in the enactment of her commercial regulations only by her own needs and her own convenience. She has certainly the right there to reap freely all the profits of the hunting and fishing, and, provided she respects and observes the general principles of the laws governing the mutual relations of nations, she is at perfect liberty to adopt there all such measures as she may deem useful or necessary.

For these reasons she cannot consent to permit there the competition of foreign traders, hunters, or fishermen; but, while prohibiting trading, hunting and fishing, she will by no means prohibit navigation, and she will confine the exercise of her maritime jurisdiction to 2 marine leagues from her coasts and her islands.

As to 3: The third clause, to which we cannot consent, in the British draft Convention, relates to the opening for ever of the Port of Sitka, or Novo-Archangelsk.

We, ourselves, in our negotiations with Sir Charles Bagot, announced that the port of Sitka would be open to foreign vessels and commerce. We persist in our intentions in this particular, but it is impossible for us to contract an indefinite obligation, to bind our own hands

* See Note B.

for an unlimited future. We might guarantee that the Port of Sitka should not be closed for ten years to come, and at the expiration of the ten years it is probable that we would allow the regulations which we had introduced there to continue. It would be an act of imprudence on our part to go any further. Unexpected conjectures might compel us to revoke or to modify such privileges. This is a freedom of action that every Government ought to reserve to itself under similar circumstances. We see no obligation on our part to renounce it, and we could not renounce it without exposing ourselves to serious embarrassments. We cannot, therefore, sign any perpetual stipulation on this point.

Such, M. le Comte, are the three points in the British draft Convention that the Emperor has found inadmissible. All the other propositions of the Court of London have been accepted, and we have delivered to Sir Charles Bagot the inclosed counter-draft. His instructions were too precise to permit him to consent to any changes. The only one of which he spoke to us was confined to the stipulation of the opening of the Port of Sitka for twenty years, which period was still too long. There remained to us, therefore, only the channel of direct negotiations, and we take pleasure in hoping that they will not be fruitless.

Our counter-draft carries our boundary from the 51st degree of north latitude to 54° 40′. It leaves to the establishments which the English Companies may form hereafter on the north-west coast all the territory situated to the south of Portland Channel. It abolishes the establishment of the mountains as the boundary of the strip of mainland which Russia would possess on the American continent, and limits the width of this strip to 10 marine leagues, in accordance with the wishes of England.

Again, in accordance with her wishes, it opens to British subjects the navigation of all the rivers crossing this strip. Lastly, it secures to them advantages equal to those obtained by the subjects of the United States, and it virtually repeals the Ukase of the 4th (16th) September, 1821, by declaring, on the one hand, that we will exercise maritime jurisdiction only to the distance of 2 leagues from our coasts and from our islands, upon the whole extent of our possessions, and by stipulating, on the other hand, that no obstacles shall be placed in the way either of the free navigation of the Pacific Ocean or even of the free passage of Bering Strait.

In a negotiation which should have as its basis the accommodation of both Parties, we think that it would be difficult to show greater respect to the wishes of England.

Your Excellency will be careful to impress upon Mr. Canning our views and our constant moderation. You will represent to him with what alacrity we have granted all those demands of Great Britain that it was possible for us to grant, what good reason we have to expect a fair return from her now, how exactly our draft agrees with the declarations contained in the Memorandum of the Chief Secretary of State of His Britannic Majesty, dated the 29th May, and how expedient it would be to put an end, by the adoption of this counter-draft (as we cannot carry our sacrifices any further), to discussions between the two Governments, which are always disagreeable, and the very last germ of which would thereby be destroyed.

Your Excellency is authorized to read this despatch to Mr. Canning, and to give him a copy of it, and in your conversations with that Minister you may add, M. le Comte, the remark that, in our Treaty of the 5th (17th) April with the United States, we only meant to grant her the right of fishing, hunting, and trading with the natives for ten years in those of our possessions that had been disputed, or, in other words, in the space comprised between latitude 54° 40′ and 59° 30′ north.

Note A.—At this point is the following marginal note:—

"It can hardly be expected that we should not also put in our claim for the *like privileges of trade as are or may be stipulated with Russia by any other nation.*" (Memorandum of Mr. Canning to Count Lieven, dated the 29th May, 1824.)

Note B.—At this point is the following marginal note:—

"In precise and positive stipulation for the free use of all rivers which may be found to empty themselves into the sea within the Russian frontier, and of all seas which the limits assigned to Russia may comprehend . . . . . and we take it for granted that the exclusive claims of navigation and jurisdiction over the North Pacific Ocean which were put forward in the Ukase of September, 1821, are to be altogether withdrawn." (Mr. Canning's Memorandum to Count Lieven, dated the 29th May, 1824.)

Explanations with regard to "Contre-projet."

L'Angleterre persiste à exiger de la Russie les concessions suivantes:—

1. La libre navigation des baies, anses, &c., et *le droit de pêche et de chasse ainsi que le commerce direct avec les naturels du pays à perpétuité* sur toute cette partie de la côte nord-ouest qui forme le territoire contesté depuis le 54° 30′ jusqu'au 60° de latitude, sauf la restriction mentionnée dans notre Convention du 5 (17) Avril avec les États-Unis relativement aux armes à la poudre et aux liqueurs spiritueuses.

2. L'ouverture du Port de *Noso-Archangelsk à perpétuité.*

3. Le droit *pour le terme de dix ans* de naviguer dans les eaux qui baignent la même côte *depuis le 60° degré de latitude nord jusqu'au Détroit de Behring,* d'y faire la pêche, et de *trafiquer avec les naturels du pays.*

La seule modification que Sir Charles Bagot semblât autorisé à admettre dans l'ensemble de

ces prétentions se réduisait à limiter l'ouverture du Port de Sitka au terme de vingt ans, pourvu toutefois que ce terme fût plus long pour les Anglais qu'il ne le serait pour les Américains.

(Translation.)

England persists in demanding from Russia the following concessions:—

1. The free navigation of the bays, gulfs, &c., and *the right to fish, to hunt, and to trade directly with the natives of the country for ever*, on all that part of the north-west coast constituting the disputed territory, from latitude 54° 30′ to 60°, subject to the restrictions mentioned in our Convention of the 5th (17th) April with the United States concerning arms, gunpowder, and spirituous liquors.

2. The opening of the port of *Novo-Archangelsk for ever*.

3. The right, *for the period of ten years*, to navigate the waters bathing the said coast *from the 60th degree of north latitude to Bering Strait*, to fish there, and *to trade there with the natives of the country*.

The only modification that Sir Charles Bagot appeared to be authorized to admit in the whole of these demands was confined to limiting the opening of the Port of Sitka to the term of twenty years, provided, however, that that term should be longer for the English than it was for the Americans.

Explanations with regard to "Contre-projet."

(1.) Article I.—Dans l'Article correspondant les Plénipotentiaires de Russie ont supprimé les mots en exerçant leur commerce, parce qu'il leur a paru que cet Article se rapportait principalement à la navigation en haute mer et qu'en haute mer il n'y a pas de commerce possible.

D'ailleurs tout ce qui concerne les relations commerciales se trouve réglé par d'autres Articles.

(2.) Article II.—Cet Article est le premier du contre-projet Russe.

Comme dès l'ouverture des négociations l'exécution de l'Oukase de 1821 avait été suspendu en ce qui regarde l'exercice de la juridiction maritime, la question territoriale était la plus essentielle que les deux Puissances eussent à résoudre.

C'est donc par définir les possessions respectives que nous commencions dans notre contre-projet.

Les possessions une fois définies viennent naturellement les stipulations relatives aux droits qui s'y rattachent et aux privilèges qui pourront y être exercés de part et d'autre.

À ces clauses succèdent celles qui ont rapport à la navigation de l'Océan Pacifique et qui se rangent toutes sous le même chef.

L'ordre des matières gagne à ce système de rédaction, et il nous semble en général que l'économie de notre contre-projet offrirait plus de clarté.

Nous avons, du reste, en changeant leurs places, conservé tous les Articles du projet Britannique.

(3.) Dans le premier paragraphe de cet Article, comme dans l'Article II, nous avons supprimé toute mention des montagnes qui suivent les sinuosités de la côte. Elle devenait inutile du moment où l'un fixait en lieues marines la largeur de la lisière de terre ferme qui appartiendrait à la Russie.

(4, 5, et 6.) Notre dépêche au Comte de Lieven renferme toutes les explications nécessaires quant aux passages soulignés dans ces divers Articles.

Tous les autres n'ont subi dans notre contre-projet que des légers changemens de rédaction qui avaient pour but d'y rendre les stipulations encore plus précises et plus faciles à saisir dans leur vrai sens.

(Translation.)

(1.) Article I.—In the corresponding Article the Russian Plenipotentiaries have suppressed the words "in carrying on their commerce" ("en exerçant leur commerce"), because it appeared to them that this Article related chiefly to navigation on the high seas, and that no commerce is possible on the high seas.

Besides, all that relates to commercial relations is settled in other Articles.

(2.) Article II.—This is Article I of the Russian counter-draft. As at the very opening of the negotiations the execution of the Ukase of 1821 was suspended as to the exercise of the maritime jurisdiction, the territorial question was the most important that the two Powers had to settle.

Hence, in our counter-draft we began by defining the respective possessions.

The possessions having been once defined, the stipulations with regard to the rights attached to them, and the privileges which may be exercised in them by both parties, naturally come next.

These clauses are succeeded by those relating to the navigation of the Pacific Ocean, and which all fall under the same head.

The order of subjects gains by this method of arrangement, and it seems to us in general that the plan of our counter-draft would present more clearness.

We have, however, while changing their places, retained all the Articles of the British draft.

(3.) In the first paragraph of this Article, as in Article II, we have suppressed all mention of the mountains which follow the sinuosities of the coast. It became useless from the moment

that one [of the Articles] fixed the width of the strip of mainland which would belong to Russia in marine leagues.

(4, 5, and 6.) Our despatch to Count Lieven contains all the necessary explanations with regard to the passages underscored in these different Articles.

All the others have undergone, in our counter-draft, merely slight changes of language, which were intended to render the stipulations contained in them still more precise and more easy to understand in their true sense.

No. 45.

Mr. G. Canning to Count Lieven.

M. le Comte, *Foreign Office, September* 12, 1824.

IT is with great regret, and, I confess, with some surprise, that I have learnt from Sir Charles Bagot that your Court have declined to conclude the Treaty, the project of which was sent out by the "Herald."

This refusal is the more unexpected, as the chief alterations made in the original "projet" were introduced here (as your Excellency can bear witness) at the suggestion of the Russian Plenipotentiaries themselves.

I have not yet had time to give sufficient consideration to the "contre-project" now presented on the part of those Plenipotentiaries to be enabled to say positively whether it can be accepted in all its parts. But I would fain hope that the differences between us may not be insurmountable. And I do most earnestly entreat your Excellency to submit to your Court, by your first messenger, the expediency of sending to your Excellency instructions and full powers to conclude and sign the Treaty here.

This will save three months. It will enable us to conclude before the meeting of Parliament. And I do assure your Excellency that, after the expectations which have been so often held out to Parliament of a speedy and satisfactory termination of the discussions respecting the Ukase of 1821, I cannot look forward without uneasiness to the disappointment of those expectations.

I know that the Ukase is practically suspended; but we have no document to show that it is so; and we have, as your Excellency knows, purposely abstained from requiring any in the hope that the subject of the Ukase would be merged in the larger arrangements respecting the north-west coast of America.

I write to Mr. Ward in the sense of this letter. And I most anxiously wish that no personal delicacy may prevent your Excellency from repeating and enforcing my suggestion.

I have, &c.

(Signed) GEORGE CANNING.

No. 46.

Count Lieven to Count Nesselrode.

M. le Comte, *Londres, le* 19 *Septembre* (1er *Octobre*), 1824.

LA veille de son départ pour l'Irlande, Mr. Canning m'a adressée la note ci-jointe, dans laquelle il expose les motifs qui font désirer au Gouvernement Britannique le transfert à Londres de la négociation relative aux possessions des deux États sur la côte nord-ouest de l'Amérique.

En transmettant cette pièce en original à votre Excellence, je ne saurais, M. le Comte, qu'en référer l'objet à la considération du Ministère Impérial.

J'ai, &c.

(Translation.)

Count, *London, September* 19 (*October* 1), 1824.

The day before his departure for Ireland, Mr. Canning addressed me the inclosed note, in which he states the reasons which cause the British Government to desire the transfer to London of the negotiations relating to the possessions of the two States on the north-west coast of America.

In transmitting this document in the original to your Excellency, I can only, M. le Comte, refer the subject to the consideration of the Imperial Ministry.

I have &c.

No. 47.

Mr. G. Canning to Mr. Ward.

(No. 3.)

Sir, *Foreign Office, September* 13, 1824.

SIR CHARLES BAGOT'S despatches of the 26th August were received here on the 9th instant, and have been laid before the King.

The only point on which I have to instruct you, in consequence of their arrival, is that of the refusal of the Court of St. Petersburgh to conclude and sign the Treaty respecting the north-west coast of America.

Nothing could be less expected that this refusal, and the grounds of it are the more unsatisfactory, as part at least of the stipulations to which objection is taken was founded on suggestions of the Russian Plenipotentiaries themselves.

I do not, however, intend that you should enter into argument upon this subject with Count Nesselrode, or the Minister to whom the *porte-feuille* may be instructed in his absence. What you are to represent, and earnestly to urge with the Russian Government, is that they should send to Count Lieven instructions and full powers to conclude and sign the Treaty here. By these means it will still be possible to bring it to a conclusion before the meeting of Parliament. And you will assure the Russian Minister that this consideration weighs with us most particularly, because the hope and promise of some amicable and satisfactory arrangement touching the Ukase of 1821 has been so often confidently held out to Parliament that we look forward with great anxiety to the discussions which might arise upon a fresh disappointment of those expectations.

I am, &c.
(Signed) GEORGE CANNING.

No. 48.

Mr. G. Canning to Mr. S. Canning.

(No. 1.)

Sir, *Foreign Office December* 8, 1824.

HIS Majesty having been graciously pleased to name you his Plenipotentiary for concluding and signing with the Russian Government a Convention for terminating the discussions which have arisen out of the promulgation of the Russian Ukase of 1821, and for settling the respective territorial claims of Great Britain and Russia on the north-west coast of America, I have received His Majesty's commands to direct you to repair to St. Petersburgh for that purpose, and to furnish you with the necessary instructions for terminating this long protracted negotiation.

The correspondence which has already passed upon this subject has been submitted to your perusal, and I inclose to you a copy—

1. Of the "projet" which Sir Charles Bagot was authorized to conclude and sign some months ago, and which we had every reason to expect would have been entirely satisfactory to the Russian Government.

2. Of a "contre-projet" drawn up by the Russian Plenipotentiaries, and presented to Sir Charles Bagot at their last meeting before Sir Charles Bagot's departure from St. Petersburgh.

3. Of a despatch from Count Nesselrode, accompanying the transmission of the "contre-projet" to Count Lieven.

In that despatch, and in certain marginal annotations upon the copy of the "projet," are assigned the reasons of the alterations proposed by the Russian Plenipotentiaries.

In considering the expediency of admitting or rejecting the proposed alterations, it will be convenient to follow the articles of the Treaty in the order in which they stand in the English "projet."

You will observe, in the first place, that it is proposed by the Russian Plenipotentiaries entirely to change that order, and to transfer to the latter part of the instrument the Article which has hitherto stood first in the "projet."

To that transposition we cannot agree, for the very reason which Count Nesselrode alleges in favour of it, viz., that the "économie" or arrangement of the Treaty ought to have reference to the history of the negotiation.

The whole negotiation grows out of the Ukase of 1821.

So entirely and absolutely true is this proposition that the settlement of the limits of the respective possessions of Great Britain and Russia on the north-west coast of America was proposed by us only as a mode of facilitating the adjustment of the difference arising from the Ukase by enabling the Court of Russia, under cover of the more comprehensive arrangement, to withdraw, with less appearance of concession, the offensive pretensions of that Edict.

It is comparatively indifferent to us whether we hasten or postpone all questions respecting the limits of territorial possession on the continent of America, but the pretensions of the Russian Ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.

You will therefore take care, in the first instance, to repress any attempt to give this change to the character of the negotiation, and will declare without reserve that the point to which alone the solicitude of the British Government and the jealousy of the British nation attach any great importance is the doing away (in a manner as little disagreeable to Russia as possible) of the effect of the Ukase of 1821.

That this Ukase is not acted upon, and that instructions have been long ago sent by the Russian Government to their cruisers in the Pacific to suspend the execution of its provisions, is true; but a private disavowal of a published claim is no security against the revival of that claim. The suspension of the execution of a principle may be perfectly compatible with the continued maintenance of the principle itself, and when we have seen in the course of this negociation that the Russian claim to the possession of the coast of America down to latitude 59 rests in fact on

no other ground than the presumed acquiescence of the nations of Europe in the provisions of an Ukase published by the Emperor Paul in the year 1800, against which it is affirmed than no public remonstrance was made, it becomes us to be exceedingly careful that we do not, by a similar neglect, on the present occasion allow a similar presumption to be raised as to an acquiescence in the Ukase of 1821.

The right of the subjects of His Majesty to navigate freely in the Pacific cannot be held as matter of indulgence from any Power. Having once been publicly questioned, it must be publicly acknowledged.

We do not desire that any distinct reference should be made to the Ukase of 1821, but we do feel it necessary that the statement of our right should be clear and positive, and that it should stand forth in the Convention in the place which properly belongs to it, as a plain and substantive stipulation, and not be brought in as an incidental consequence of other arrangements to which we attach comparatively little importance.

This stipulation stands in the front of the Convention concluded between Russia and the United States of America, and we see no reason why upon similar claims we should not obtain exactly the like satisfaction.

For reasons of the same nature we cannot consent that the liberty of navigation through Bering Straits should be stated in the Treaty as a boon from Russia.

The tendency of such a statement would be to give countenance to those claims of exclusive jurisdiction against which we, on our own behalf and on that of the whole civilized world, protest.

No specification of this sort is found in the Convention with the United States of America, and yet it cannot be doubted that the Americans consider themselves as secured in the right of navigating Bering Straits and the sea beyond them.

It cannot be expected that England should receive as a boon that which the United States hold as a right so unquestionable as not to be worth recording.

Perhaps the simplest course after all will be to substitute, for all that part of the "projet" and "contre-projet" which relates to maritime rights and to navigation, the first two Articles of the Convention already concluded by the Court of St. Petersburgh with the United States of America in the order in which they stand in that Convention.

Russia can not mean to give the United States of America what she withholds from us; nor to withhold from us anything that she has consented to give to the United States.

The uniformity of stipulations *in pari materia* gives clearness and force to both arrangements, and will establish that footing of equality between the several Contracting Parties which it is most desirable should exist between three Powers whose interests come so nearly in contact with each other in a part of the globe in which no other Power is concerned.

This, therefore, is what I am to instruct you to propose at once to the Russian Minister as cutting short an otherwise inconvenient discussion.

This expedient will dispose of Article I of the "projet" and of Articles V and VI of the "contre-projet."

The next Articles relate to the territorial demarcation, and upon them I have only to make the following observations:—

The Russian Plenipotentiaries propose to withdraw entirely the limit of the "lisière" on the coast, which they were themselves the first to propose, viz., the summit of the mountains which run parallel to the coast, and which appear, according to the map, to follow its sinuosities, and to substitute generally that which we only suggested as a corrective of their first proposition.

We cannot agree to this change. It is quite obvious that the boundary of mountains, where they exist, is the most natural and effectual boundary. The inconvenience against which we wished to guard was that which you know and can thoroughly explain to the Russian Plenipotentiaries to have existed on the other side of the American Continent, when mountains laid down in a map as in a certain given position, and assumed in faith of the accuracy of that map as a boundary between the possessions of England and the United States turned out to be quite differently situated, a discovery which has given rise to the most perplexing discussions. Should the maps be no more accurate as to the western than as to the eastern mountains, we might be assigning to Russia immense tracts of inland territory, where we only intended to give, and they only intended to ask, a strip of sea-coast.

To avoid the chance of this inconvenience we proposed to qualify the general proposition "that the mountains should be the boundary, with the condition if those mountains should not be found to extend beyond 10 leagues from the coast." The Russian Plenipotentiaries now propose to take the distance invariably as the rule. But we cannot consent to this change. The mountains, as I have said, are a more eligible boundary than any imaginary line of demarcation, and, this being their own original proposition, the Russian Plenipotentiaries can not reasonably refuse to adhere to it.

Where the mountains are the boundary, we are content to take the summit instead of the "seaward base" as the line of demarcation.

I omitted in my last instructions to Sir Charles Bagot, though I had signified to Count Lieven, that I intended to require a small extension of the line of demarcation from the point where the "lisière" on the coast terminates in latitude 59° to the northward. The extension required is from 139° to 141° west longitude, the latter being the parallel which falls more directly on Mount Elias.

With regard to the Port of Sitka, or New Archangel, the offer came originally from Russia, but we are not disposed to object to the restriction which she now applies to it.

We are content that the port shall be open to us for ten years, provided only that if any other nation obtains a more extended term, the like term shall be extended to us also.

We are content also to assign the period of ten years for the reciprocal liberty of access and commerce with each other's territories, which stipulation may be best stated precisely in the terms of Article IV of the American Convention.

These, I think, are the only points in which alterations are required by Russia. And we have no other to propose.

A "projet" such as it will stand according to the observations of this despatch is inclosed, which you will understand as furnished to you as a guide for the drawing up of the Convention, but not as prescribing the precise form of words nor fettering your discretion as to any alterations not varying from the substance of these instructions.

It will, of course, strike the Russian Plenipotentiaries that by the adoption of the American article respecting navigation, &c., the provision for an exclusive fishery of 2 leagues from the coasts of our respective possessions falls to the ground.

But the omission is in truth immaterial.

The law of nations assigns the exclusive sovereignty of 1 league to each Power on its own coasts, without any specific stipulation, and though Sir Charles Bagot was authorized to sign the Convention with the specific stipulation of 2 leagues, in ignorance of what had been decided in the American Convention, at the time, yet, after that Convention has been some months before the world, and after the opportunity of consideration has been forced upon us by the act of Russia herself, we cannot now consent, in negotiating *de novo*, to a stipulation which, while it is absolutely unimportant to any practical good, would appear to establish a contract between the United States and us to our disadvantage.

Count Nesselrode himself frankly admitted that it was natural that we should expect, and reasonable that we should receive, at the hands of Russia, equal measure, in all respects, with the United States of America.

It remains only in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is *not* on our part essentially a negotiation about limits.

It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility, we must oppose.

If the present "projet" is agreeable to Russia, we are ready to conclude and sign the Treaty.

If the territorial arrangements are not satisfactory, we are ready to postpone them, and to conclude and sign the essential part, that which relates to navigation alone, adding an Article stipulating to negotiate about territorial limits hereafter.

But we are not prepared to defer any longer the settlement of that essential part of the question, and if Russia will neither sign the whole Convention nor that essential part of it she must not take it amiss that we resort to some mode of recording in the face of the world our protest against the pretensions of the Ukase of 1821, and of effectually securing our own interests against the possibility of its future operation.

I am, &c.
(Signed) GEORGE CANNING.

No. 49.

Mr. S. Canning to Mr. G. Canning.—(Received March 2.)

(No. 13.)

Sir, *St. Petersburgh, February* 1 (13), 1825.

I AVAIL myself of the return of the messenger Meates to inform you that yesterday evening I had my first Conference with the Russian Plenipotentiaries, Count Nesselrode and M. de Poletica.

After mutually communicating our full powers, those of the Russian Plenipotentiaries being the same which were exhibited to Sir Charles Bagot, I stated that the "projet" which I was prepared to give in, agreeably to your instructions, respecting the differences growing out of the Imperial Ukase of September 1821, would be found to contain fresh proofs of the conciliatory spirit in which His Majesty's Government had directed this negotiation, that it was now time to bring the negotiation, either in one way or another, to its final conclusion, and, with this view, His Majesty's Ministers, in empowering me to offer a new "projet," had gone at once to the utmost extent of concessions, justified by their sense of duty, in order to remove the objections of the Russian Government.

On reading the "projet" some difficulties were started and some discussion took place; but I hold it unnecessary to trouble you with a more particular account of this Conference as the Russian Plenipotentiaries were not then prepared to express any decided opinion as to those parts of the "projet" which do not entirely come up to their proposals, and I have expressly reserved to myself the liberty of recording my explanations in an official shape in the event of their persisting to object to any essential part of its contents.

Count Nesselrode said that he hoped to be ready with his answer in the course of a week.

The Emperor's being again at Czarskoe-Zelo for two or three days may possibly occasion some delay.

I have, &c.
(Signed) STRATFORD CANNING.

No. 50.

"Contre-projet" *submitted by Mr. S. Canning, February* 1 (13), 1825.

SA Majesté le Roi du Royaume-Uni de la Grande-Bretagne et d'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après les principes de convenance réciproque, divers points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et d'Irlande, et Sa Majesté l'Empereur de toutes les Russies , lesquels Plénipotentiaires, après s'être communiqué leurs pleins pouvoirs respectifs trouvés en bonne et due forme, ont arrêté et signé les Articles suivants:—

ARTICLE I.

Il est convenu que dans aucune partie du grand océan, appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent:—

ARTICLE II.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe sans la permission du Gouverneur ou Commandant; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement Britannique sur la côte nord-ouest.

ARTICLE III.

La ligne de démarcation entre les possessions des Hautes Parties Contractantes situées sur le continent et les îles de l'Amérique nord-ouest sera tracée ainsi qu'il suit:—

Commençant du point le plus méridional de l'île dite "Prince of Wales," lequel point se trouve sous le parallèle de 54° 40', et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord (l'île Prince of Wales appartenant en entier à la Russie) le long de la passe, dite "Portland Channel," jusqu'à ce qu'elle touche à la côte de terre ferme au 56e degré de latitude nord, depuis ce point-ci, où la ligne de démarcation touche au 56e degré, elle suivra la crête des montagnes dans une direction parallèle à la côte, jusqu'au 141e degré de longitude ouest (même méridien); et delà la ligne méridienne du 141e degré de longitude ouest dans son prolongement jusqu'à la Mer Glaciale formera la frontière entre les possessions respectives des deux Puissances; pourvu, néanmoins, que si la crête des susdites montagnes, dans quelque partie que ce soit de leur étendue, se trouvera située à plus de 10 lieues maritimes de la Mer Pacifique, la ligne de démarcation, pour cet espace, sera une ligne parallèle aux sinuosités de la côte, de manière que la dite ligne de démarcation ne sera en aucune partie à plus de 10 lieues de la côte.

Il est de plus convenu que nul établissement ne sera formé par l'une des deux parties dans les limites assignées par cet Article à l'autre; les sujets Britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes telles qu'elles sont désignées par cet Article; et, de même, nul établissement pareil ne sera formé par des sujets Russes au delà des dites limites.

ARTICLE IV.

Il est entendu que les sujets de Sa Majesté Britanniques, soit venant de l'intérieur du continent, soit arrivant de l'Océan Pacifique, jouiront à perpétuité du droit de naviguer librement et sans molestation quelconque toutes les rivières ou fleuves, qui dans leurs cours à la Mer Pacifique traverseront la ligne de démarcation au long de la lisière de la côte indiquée dans l'Article précédent.

ARTICLE V.

Il est, néanmoins, entendu que pour l'espace de dix ans, à dater de la signature de cette Convention, les vaisseaux des Hautes Puissances ou ceux appartenans à leurs sujets respectifs, auront également la liberté de fréquenter, sans molestation quelconque, toutes les mers intérieures, les golphes, havres, et criques dans les parties de la côte mentionnées dans l'Article III, pour exercer la pêche et trafiquer avec les indigènes.

ARTICLE VI.

Le Port de Sitka ou Novo-Archangelsk sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de dix ans à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans sera accordée à quelqu'autre Puissance, une pareille prolongation en sera de même accordée à la Grande-Bretagne.

ARTICLE VII.

La susdite liberté de commerce ne sera pas censée embrasser le trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon ou d'autres munitions de guerre, les Hautes Parties Contractantes s'engageant réciproquement à ne pas laisser vendre, ni livrer de quelque manière que se puisse être, aux indigènes du pays les articles ci-dessus mentionnés.

ARTICLE VIII.

Tout vaisseau Britannique ou Russe naviguant l'Océan Pacifique qui sera forcé par des tempêtes, ou par quelqu'autre accident, à se réfugier dans les ports des parties respectives, aura la liberté de s'y radouber et s'y pourvoir de toute chose nécessaire et se remettre en mer sans payer d'autres droits que ceux de port et de fanaux, qui toutefois n'excéderont pas les mêmes droits payés par les navires nationaux. Dans le cas, cependant, que le patron d'un tel navire se trouvera dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'endroit où il aura abordé.

ARTICLE IX.

Dans tous cas de plaintes par rapport à l'infraction des Articles de la présente Convention, des officiers employés de part et d'autre sans se permettre, au préalable, aucune voie de fait, ou mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses circonstances, à leurs Cours respectives, lesquelles s'engagent à le régler selon la justice et à l'amiable.

ARTICLE X.

La présente Convention sera ratifiée, et les ratifications en seront échangées à dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi, &c.

NOTE.—The preceding "projet" is in the handwriting of George Canning's Secretary. It contains many annotations, corrections, and marginal notes in lead pencil in the handwriting of Matusevicz, an official of the Russian Office and afterwards an Ambassador Extraordinary. The following is a copy of the "projet," with these corrections and alterations incorporated. Portions of the original which thus undergo alteration are underscored in lead pencil.

(Translation.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of all the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle, in accordance with the principles of mutual accommodation, various points relating to commerce and navigation and to the fisheries of their subjects in the Pacific Ocean, as well as the boundaries of their respective possessions on the north-west coast of America, have appointed Plenipotentiaries to conclude a Convention for that purpose, to wit:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, , and His Majesty the Emperor of all the Russias, , which Plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:—

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Powers shall not be troubled or annoyed in any part of the great ocean, commonly called the Pacific Ocean, either in navigation or in the exploitation of the fisheries, or in the right to land on the coasts at points not already occupied in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following Articles:—

ARTICLE II.

With a view to prevent the rights of navigation and fishing exercised in the great ocean by the subjects of the High Contracting Parties from becoming a pretext for an illicit trade, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the Governor or Commandant, and that in return Russian subjects shall not land without permission at any British establishment on the north-west coast.

ARTICLE III.

The line of demarcation between the possessions of the High Contracting Parties situated on the continent and islands of north-west America shall be drawn as follows:—

Beginning at the most southern point of the island called Prince of Wales, which point is under the parallel of 54° 40′, and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north (Prince of Wales Island belonging entirely to Russia) along the passage called Portland Channel until it touches the coast of the mainland at the 56th degree of north latitude. From the point at which the line of demarcation touches the 56th degree it shall follow the crest of the mountains, in a direction parallel to the coast, to the 141st degree of west longitude, same meridian, and thence the meridian line of the 141st degree of west longitude, in its prolongation to the Arctic Ocean (Icy Sea), shall form the frontier between the respective possessions of the two Powers: *Provided, however*, That if the crest of the said mountains, in any part whatever of their extent, shall be found to be more than 10 maritime leagues from the Pacific Sea the line of demarcation for that space shall be a line parallel to the sinuosities of the coast, so that the line of demarcation shall not be anywhere more than 10 leagues from the coast.

It is agreed, moreover, that no establishment shall be formed by either of the two Parties within the limits assigned by this Article to the other. British subjects shall not form any establishment, either on the coast or on the strip of mainland included in the limits of the Russian possessions as they are described in this Article; and, in the same way, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE IV.

It is understood that the subjects of His Britannic Majesty, whether coming from the interior of the continent or arriving from the Pacific Ocean, shall enjoy for ever the right to navigate, freely and without any molestation whatever, all the rivers which, in their course to the Pacific Ocean, cross the line of demarcation along the strip of the coast mentioned in the preceding Article.

ARTICLE V.

It is, however, understood that for the period of ten years, to date from the signing of this Convention, the vessels of the High Powers, or those belonging to their respective subjects, shall have equally the right to frequent, without any molestation whatever, all the interior seas, the gulfs, havens, and creeks in the parts of the coast mentioned in Article III, to carry on fishing and to trade with the natives.

ARTICLE VI.

The Port of Sitka or Novo-Archangelsk shall be open to the commerce and the vessels of British subjects for the period of ten years, to date from the exchange of the ratifications of this Convention. In the event that a prolongation of this term of ten years is granted to any other Power, a similar prolongation shall be likewise granted to Great Britain.

ARTICLE VII.

The above-mentioned freedom of commerce shall not be held to include the traffic in spirituous liquors, in fire-arms, in side-arms, in gunpowder, or other munitions of war, the High Contracting Parties binding themselves mutually not to furnish the natives of the country with the articles above mentioned in any manner whatever.

ARTICLE VIII.

Every British or Russian vessel navigating the Pacific Ocean which may be compelled by storms or any other accident to take refuge in the ports of the respective Parties shall have liberty to make repairs and to provide itself there with all necessaries, and to put to sea without paying any other dues than harbour and lighthouse dues, which, however, shall not exceed the same dues paid by the vessels of the country. In case, however, the master of such vessel should find himself compelled to dispose of a portion of his goods to meet his expenses, he shall be bound to conform to the Ordinances and Tariffs of the place at which he has touched.

ARTICLE IX.

In every case of complaint of the violation of the Articles of the present Convention, the officials employed on each side shall, without allowing themselves at first any act of violence or employment of force, be bound to make an accurate report of the matter and the circumstances connected with it to their respective Courts, which bind themselves to settle it in accordance with justice and in an amicable manner.

ARTICLE X.

The present Convention shall be ratified and the ratifications shall be exchanged at within the period of months, or sooner if possible.

In witness whereof, &c.

No. 51.

Mr. S. Canning's "Contre-projet" *as altered and corrected by Matuserich.*

SA Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, ,et Sa Majesté l'Empereur de toutes les Russies , lesquels Plénipotentiaires, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants:—

ARTICLE I.

Il est convenu que dans aucune partie du grand océan appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent:—

ARTICLE II.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe sans la permission du Gouverneur ou Commandant; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement Britannique sur la côte nord-ouest.

ARTICLE III.

La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur le continent et les îles de l'Amérique nord-ouest sera tracée ainsi qu'il suit:—

A partir du point le plus méridional de l'île dite "Prince of Wales," lequel point se trouve sous le parallèle du 54° 40′ de latitude nord, et entre le 131° et le 133° de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite "Portland Channel" jusqu'à l'endroit où cette passe se termine dans l'intérieur de la terre ferme au 56° de latitude nord; depuis ce dernier point la ligne de démarcation suivra la crête des montagnes dans une direction parallèle à la côte, jusqu'au point d'intersection de 141° de longitude ouest (même méridien).

ARTICLE IV.

Il est entendu—

1. Que l'île dite "Prince of Wales" appartiendra toute entière à la Russie.

2. Que la lisière de côte mentionnée ci-dessus, qui doit appartenir à cette même Puissance et remonter du parallèle du 56e degré de latitude nord au point d'intersection du 141e de longitude ouest, aura pour limites la crête des montagnes, ainsi qu'il a été dit plus haut, mais que partout où la distance entre la crête des montagnes et la mer se trouverait de plus de 10 lieues marines la limite de cette même lisière sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais s'éloigner de la mer que de 10 lieues marines.

3. Qu'à partir du point d'intersection du 141e degré de longitude ouest, la ligne de ce même degré formera dans son prolongement vers la Mer Glaciale la frontière entre les possessions respectives des Hautes Parties Contractantes.

ARTICLE V.

Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux Parties dans les limites assignées par cet Article à l'autre: les sujets Britanniques ne formeront aucun établissement, soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes telles qu'elles sont désignées par cet Article; et, de même, nul établissement pareil ne sera formé par des sujets Russes au delà des dites limites.

ARTICLE VI.

Les sujets de Sa Majesté Britannique qui viendront de l'intérieur du continent, arriver à l'Océan Pacifique ou de l'Océan Pacifique se rendre dans l'intérieur du continent, jouiront à perpétuité du droit de naviguer librement et sans entrave quelconque sur tous les fleuves et rivières qui dans leurs cours vers la Mer Pacifique traverseront les limites de territoire Russe sur la lisière de la côte indiquée dans l'Article précédent.

ARTICLE VII.

Pendant l'espace de dix ans, à dater de la signature de cette Convention, les vaisseaux des Hautes Puissances, ou ceux appartenans à leurs sujets respectifs, auront également la liberté de fréquenter sans entrave ni empêchements quelconques, toutes les mers intérieures, les golphes, havres, et criques dans les parties de la côte mentionnées dans l'Article III pour exercer la pêche et trafiquer avec les indigènes.

ARTICLE VIII.

Le Port de Sitka ou Novo-Archangelsk sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de dix ans à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans soit accordé à quelqu'autre Puissance, la même prolongation sera également accordée à la Grande-Bretagne.

ARTICLE IX.

La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des arme à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre, les Hautes Partie Contractantes s'engageant réciproquement à ne laisser, ni vendre, ni livrer de quelque manière que ce puisse être, aux indigènes du pays, les articles ci-dessus mentionnés.

ARTICLE X.

Tout vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique qui sera forcé par des tempêtes, ou par quelque accident de se réfugier dans les ports des parties respectives, aura la liberté de s'y radouber et s'y pourvoir de tous les objets qui lui seront nécessaires et se remettre en mer sans payer d'autres droits que ceux de port et de fanaux, lesquels seront pour eux les mêmes que pour les bâtimens nationaux. Si, cependant, le patron du navire avarie se trouverait dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'endroit où il aura abordé.

ARTICLE XI.

Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux Hautes Parties Contractantes sans se permettre, au préalable,

ni voie de fait, ni mesure de force, seront tenus de faire un rapport exact de l'affaire et de ses circonstances, à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable et d'après les principes d'une parfaite justice.

ARTICLE XII.

La présente Convention sera ratifiée, et les ratifications en seront échangées à dans l'espace de mois, ou plus tôt si faire se peut.

En foi de quoi, &c.

(Translation.)

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of all the Russias, desiring to draw closer the ties of good understanding and friendship which unite them, by means of an agreement which shall settle, in accordance with the principle of mutual accommodations, various points relating to the commerce, the navigation, and the fisheries of their subjects in the Pacific Ocean, as well as the boundaries of their respective possessions on the north-west coast of America, have appointed Plenipotentiaries to conclude a Convention for that purpose, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland, , and His Majesty the Emperor of all the Russias, , which Plenipotentiaries, after communicating to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or annoyed in any part of the great ocean, commonly called the Pacific Ocean, either in navigation or in the exploitation of the fisheries, or in the right to land on the coasts at points not already occupied, in order to trade there with the natives, subject, however, to the restrictions and conditions provided in the following Articles:

ARTICLE II.

With a view to prevent the rights of navigation and fishing exercised in the great ocean by the subjects of the High Contracting Parties from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any point where there is a Russian establishment without the permission of the Governor or Commandant, and that, in return, Russian subjects shall not land without permission at any British establishment on the north-west coast.

ARTICLE III.

The line of demarcation between the possessions of the High Contracting Parties on the continent and the islands of North-west America shall be drawn as follows:—

Beginning at the most southern point of the island called Prince of Wales, which point is under the parallel of 54° 40′ north latitude, and between the 131st and 133rd degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the passage called Portland Channel to the place where that passage ends in the interior of the mainland, at the 56th degree of north latitude. From this last point the line of demarcation shall follow the crest of the mountains in a direction parallel to the coast to the point of intersection of the 141st degree of west longitude (same meridian).

ARTICLE IV.

It is understood:

1. That the island called the Prince of Wales shall belong entirely to Russia.

2. That the strip of coast mentioned above, which is to belong to this same Power, and to ascend from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall have as its boundary the crest of the mountains, as has been said above, but that, wherever the distance between the crest of the mountains and the sea shall be more than 10 marine leagues, the boundary of this same strip shall be formed by a line parallel to the sinuosities of the coast, and which shall nowhere be more than 10 marine leagues from the sea.

3. That, beginning at the point of intersection of the 141st degree of west longitude, the line of that same degree shall form, in its prolongation towards the Arctic Ocean, the frontier between the respective possessions of the High Contracting Parties.

ARTICLE V.

It is agreed, moreover, that no establishment shall be formed by either of the two Parties within the limits assigned in this Article to the other. British subjects shall not form any establishment either on the coast or on the strip of mainland included in the limits of the Russian possessions as they are described in this Article; and, in like manner, no such establishment shall be formed by Russian subjects beyond the said limits.

ARTICLE VI.

The subjects of His Britannic Majesty who may come from the interior of the continent to the Pacific Ocean, or who may go from the Pacific Ocean to the interior of the continent, shall enjoy for ever the right to navigate, freely and without any obstacle, all the rivers and streams that, in their course towards the Pacific Ocean, may cross the limits of Russian territory on the strip of the coast described in the preceding Article.

ARTICLE VII.

During the period of ten years, to date from the signing of this Convention, the vessels of the High Powers, or those belonging to their respective subjects, shall have equally the right to frequent, without any let or hindrance whatever, all the interior seas, the gulfs, havens, and creeks in those parts of the coast mentioned in Article III, in order to carry on fishing and to trade with the natives.

ARTICLE VIII.

The Port of Sitka, or Novo-Archangelsk, shall be open to the commerce and vessels of British subjects for the period of ten years, to date from the exchange of the ratifications of this Convention. In the event that a prolongation of this term of ten years should be granted to any other Power, the same prolongation shall be likewise granted to Great Britain.

ARTICLE IX.

The above freedom of commerce shall not apply to the traffic in spirituous liquors, firearms, side-arms, gunpowder, or other munitions of war, the High Contracting Parties binding themselves mutually not to allow to be sold, or to be furnished in any manner whatever, to the natives of the country the articles above mentioned.

ARTICLE X.

Every British or Russian vessel navigating the Pacific Ocean that may be compelled by storms or by any accident to take refuge in the ports of the respective Parties shall be at liberty to refit and to provide itself there with everything that it may need and to put to sea again without paying any dues except port and lighthouse dues, which shall be the same for them as for the vessels of the country. If, however, the master of the damaged vessel should find himself compelled to dispose of a portion of his goods in order to meet his expenses, he shall be required to conform to the Ordinances and Tariffs of the place at which he has touched.

ARTICLE XI.

In all cases of complaint with regard to the violation of the Articles of the present Convention, the civil and military authorities of the two High Contracting Parties, without permitting themselves, beforehand, any act of violence or employment of force, shall be required to make a detailed report of the matter and its attendant circumstances to their respective Courts, which bind themselves to settle it amicably and in accordance with the principles of perfect justice.

ARTICLE XII.

The present Convention shall be ratified and the ratifications shall be exchanged at within the period of months, or sooner, if possible.

In witness whereof, &c.

No. 52.

Mr. G. Canning to Mr. S. Canning.

(No. 6.)

Sir, *Foreign Office, March* 15, 1825.

YOUR despatches to No. 13, inclusive, have been received and laid before the King.

I inclose to you a copy of a despatch received from Mr. Addington, by which you will see that the Government and Senate of the United States have ratified the Treaty of North-West American Boundaries and Navigation, which was negotiated at St. Petersburgh last year.

It is hardly necessary to point out to you the additional force which the conclusion of this transaction gives to that part of your instructions on the same subject, which prescribes the demand for this country of terms as favourable as those which have been obtained by the United States.

I am, &c.
(Signed) GEORGE CANNING.

No. 53.

Mr. S. Canning to Mr. G. Canning.—(Received March 21.)

(No. 15.)

Sir, *St. Petersburgh, February* 17 *(March* 1), 1825.

BY the messenger Latchford I have the honour to send you the accompanying Convention between His Majesty and the Emperor of Russia respecting the Pacific Ocean and north-west coast of America, which, according to your instructions, I concluded and signed last night with the Russian Plenipotentiaries.

The alterations which, at their instance, I have admitted into the "projet" such as I presented it to them at first, will be found, I conceive, to be in strict conformity with the spirit and substance of His Majesty's commands. The order of the two main subjects of our negotiation, as stated in the Preamble of the Convention, is preserved in the Articles of that instrument. The line of demarcation along the strip of land on the north-west coast of America assigned to Russia is laid down in the Convention agreeably to your directions, notwithstanding some difficulties raised on this point, as well as on that which regards the order of the Articles by the Russian Plenipotentiaries.

The instance in which you will perceive that I have most availed myself of the latitude afforded by your instructions to bring the negotiation to a satisfactory and prompt conclusion, is the division of the IIIrd Article of the new "projet," as it stood when I gave it in, into the IIIrd, IVth, and Vth Articles of the Convention signed by the Plenipotentiaries.

This change was suggested by the Russian Plenipotentiaries, and at first it was suggested in a shape which appeared to me objectionable, but the Articles as they are now drawn up I humbly conceive to be such as will not meet with your disapprobation. The second paragraph of the IVth Article had already appeared parenthetically in the IIIrd Article of the "projet," and the whole of the IVth Article is limited in its signification and connected with the Article immediately preceding it by the first paragraph.

With respect to Bering Straits, I am happy to have it in my power to assure you, on the joint authority of the Russian Plenipotentiaries, that the Emperor of Russia has no intention whatever of maintaining any exclusive claim to the navigation of those straits or of the seas to the north of them.

It cannot be necessary, under these circumstances, to trouble you with a more particular account of the several Conferences which I have held with the Russian Plenipotentiaries, and it is but justice to state that I have found them disposed, throughout this latter stage of the negotiation, to treat the matters under discussion with fairness and liberality.

As two originals of the Convention prepared for His Majesty's Government are signed by the Plenipotentiaries, I propose to leave one of them with Mr. Ward for the archives of the Embassy.

I have, &c.
(Signed) STRATFORD CANNING.

No. 54.

Count Nesselrode to Count Lieven.

M. le Comte, *Saint-Pétersbourg, le* 20 *Février* (3 *Mars*), 1825.

JE me félicite de pouvoir annoncer à votre Excellence que mes négociations avec Mr. Stratford Canning relativement à la côte nord-ouest de l'Amérique ont été couronnées de succès.

Nous venons de signer la Convention dont copie ci-jointe.

Le seul point qui ait donné lieu à quelques difficultés dans nos discussions avec le Plénipotentiaire Britannique avait rapport aux limites de la lisière de côte que la Russie doit posséder sur le continent Américain depuis le 56° de latitude nord jusqu'au point d'intersection du 141° de longitude ouest.

L'Empereur eut trouvé plus réciproquement juste, plus également avantageux, que la frontière naturelle formée par les montagnes qui bordent la côte fut adoptée de part et d'autre comme ligne de démarcation invariable. L'Angleterre y eut gagné partout où ces montagnes se seraient trouvées à moins de 10 lieues marines de la mer; la Russie partout où cette distance aurait été plus grande et vu le peu de précision des notions géographiques qu'on possède sur ces contrées, un tel arrangement eût offert une entière parité de chances favorables aux deux Parties Contractantes.

Cependant, Mr. Stratford Canning ayant déclaré que ses instructions ne lui permettaient pas d'accueillir les vœux que nous lui avions exprimés sous ce rapport, l'Empereur, pour donner une dernière preuve de ses dispositions amicales à Sa Majesté Britannique, nous autorisa à signer l'acte en question tel que j'ai l'honneur de le transmettre à votre Excellence.

Je lui en enverrai incessamment les ratifications, et je profite de cette occasion pour lui accuser la réception de ses dépêches du 30 Mars (12 Février), que je me suis empressé de porter à la connaissance de l'Empereur.

Recevez, &c.

(Translation.)

Count, *St. Petersburgh, February 20 (March 3), 1825.*

I congratulate myself on being able to inform your Excellency that my negotiations with Mr. Stratford Canning with regard to the north-west coast of America have been crowned with success.

We have just signed the Convention, a copy of which is inclosed.

The only point that has given rise to any difficulties in our discussions with the British Plenipotentiary related to the limits of the strip of coast which Russia is to possess on the American continent from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude.

The Emperor would have found it more mutually just, more equally advantageous, if the natural frontier formed by the mountains bordering on the coast were adopted by both parties as the invariable line of demarcation. England would have gained thereby wherever those mountains were less than 10 marine leagues from the sea, Russia wherever that distance was greater: and, in view of the want of accuracy of the geographical notions which we possess as to these countries, such an arrangement would have offered an entire equality of favourable chances to the two Contracting Parties.

However, Mr. Stratford Canning having declared that his instructions did not permit him to entertain the wishes which we had expressed to him on this point, the Emperor, in order to give His Britannic Majesty a last proof of his friendly feelings, authorized us to sign the act in question, such as I have the honour to transmit it to your Excellency.

I shall shortly send you the ratifications, and I avail myself of this opportunity to acknowledge the receipt of your despatches of the 30th March (12th February), which I hastened to communicate to the Emperor.

Receive, &c.

No. 55.

Count Nesselrode to Count Lieven.—(Received March 29 (April 10).)

M. le Comte, *Saint-Pétersbourg, le 13 Mars, 1825.*

VOTRE Excellence trouvera ci-joint la ratification de la Convention que nous avons conclue avec Mr. Stratford Canning au sujet des possessions respectives de la Russie et de la Grande-Bretagne sur la côte nord-ouest de l'Amérique.

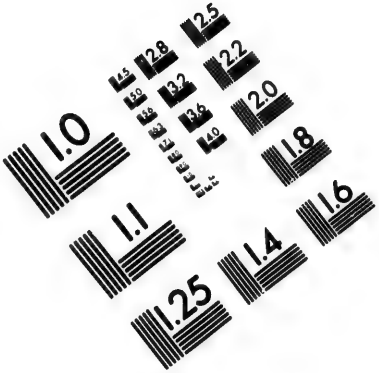
En échangeant cet instrument contre celui qui doit vous être remis par la Cour de Londres, l'Empereur désire, M. le Comte, que vous observiez à Mr. Canning qu'il eût été plus conforme, d'après l'opinion de Sa Majesté Impériale, et aux principes d'une mutuelle justice et à ceux des convenances réciproques, de donner pour frontière à la lisière de côte que la Russie doit posséder depuis le 56° de latitude nord jusqu'au point d'intersection de 141° de longitude ouest, la crête des montagnes qui suivent les sinuosités de la côte.

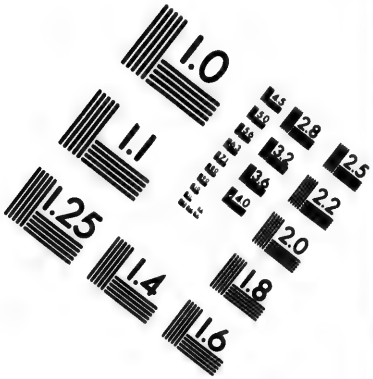
Cette stipulation, en effet, eût assuré aux deux Puissances une parfaite égalité d'avantages et une limite naturelle. L'Angleterre y eût trouvé son profit partout où les montagnes sont à moins de 10 lieues marines de la mer, et la Russie, partout où la distance qui les en sépare est plus grande. Il nous semble que, touchant des contrées dont la géographie est encore peu connue, on ne pouvoit proposer de stipulation plus équitable. Votre Excellence ajoutera que le Plénipotentiaire de Sa Majesté Britannique ayant déclaré qu'il se trouvoit dans l'impossibilité d'accueillir les vœux que nous lui avons exprimés sous ce rapport, c'est uniquement pour donner au Roi d'Angleterre une preuve de ses dispositions amicales, que notre auguste Maître nous a permis de signer cet Article tel qu'il existe dans la Convention actuelle.

L'Empereur se flatte que Sa Majesté Britannique appréciera un aussi sincère témoignage du désir qui nous animoit de terminer des discussions fâcheuses et d'en prévenir le retour par une transaction définitive.

Votre Excellence est autorisée à donner lecture de la présente à Mr. Canning et à lui en laisser une copie, avec prière de la mettre sous les yeux du Roi.

Recevez, &c.





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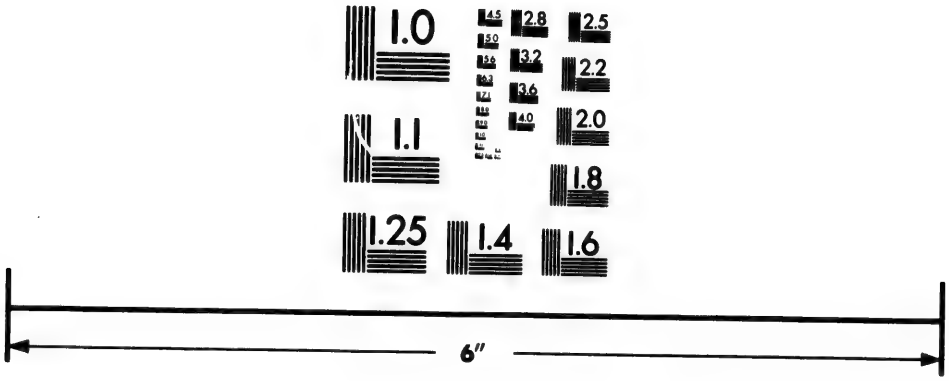

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(Translation.)

Count, *St. Petersburgh, March* 13, 1825.

Your Excellency will find inclosed the ratification of the Convention which we have concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the north-west coast of America.

Upon exchanging this instrument for that which is to be delivered to you by the Court of London, the Emperor wishes you, M. le Comte, to remark to Mr. Canning that it would have been more in conformity, in the opinion of his Imperial Majesty, both with the principles of mutual justice and with those of reciprocal accommodations, to give as a frontier to the strip of coast which Russia is to possess from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude the crest of the mountains which follow the sinuosities of the coast.

This stipulation, in fact, would have secured to the two Powers a perfect equality of advantages and a natural boundary. England would have found her profit in it wherever the mountains are less than ten marine leagues from the sea, and Russia wherever the distance separating them from it is greater. It seems to us that, in the case of countries whose geography is still little known, no more equitable stipulation could be proposed. Your Excellency will add that, as the Plenipotentiary of His Britannic Majesty had declared that he found it impossible for him to entertain the wishes which we expressed to him on this point, it was solely to give the King of England a proof of his friendly feelings that our august Master permitted us to sign this Article such as it exists in the present Convention.

The Emperor flatters himself that His Britannic Majesty will appreciate so sincere a testimony of the desire by which we were actuated to put an end to disagreeable discussions, and to prevent a return of them, by a definitive compromise.

Your Excellency is authorized to read the present to Mr. Canning, and to leave him a copy of it, with the request that he will place it before the eyes of the King.

Receive, &c.

No. 56.

Mr. S. Canning to Mr. G. Canning.—(Received May 3.)

(No. 30.)

Sir, *St. Petersburgh, April* 3 (15), 1825.

I BEG leave to trouble you with a few words in acknowledgment of your two despatches, the one containing a copy of a letter addressed by you to his Excellency Prince de Polignac, on the subject of certain oyster fisheries lying between the Island of Jersey and the adjacent coast of France, and the other inclosing a despatch from Mr. Addington to you, announcing the ratification of the Convention concluded last year between Russia and the United States, touching the navigation of the Pacific Ocean and other matters connected with that subject.

I trust that the objects to which the communications transmitted with those despatches relate have been found to be sufficiently secured by the Convention, which, under your instructions, I have signed, during my residence here, in concert with the Russian Plenipotentiaries.

With respect to the right of fishing, no explanation whatever took place between the Plenipotentiaries and myself in the course of our negotiations. As no objection was started by them to the Article which I offered in obedience to your instructions, I thought it unadvisable to raise a discussion on the question; and the distance from the coast at which the right of fishing is to be exercised in common passed without specification, and consequently rests on the law of nations as generally received.

Conceiving, however, at a later period that you might possibly wish to declare the law of nations thereon, jointly with the Court of Russia in some ostensible shape, I broached the matter anew to Count Nesselrode, and suggested that he should authorize Count Lieven, on your invitation, to exchange notes with you declaratory of the law as fixing the distance at one marine league from the shore.

Count Nesselrode replied that he should feel embarrassed in submitting this suggestion to the Emperor just at the moment when the ratifications of the Convention were on the point of being dispatched to London, and he seemed exceedingly desirous that nothing should happen to retard the accomplishment of that essential formality. He assured me at the same time that his Government would be content, in executing the Convention, to abide by the recognized law of nations, and that if any question should hereafter be raised upon the subject, he should not refuse to join in making the suggested declaration, on being satisfied that the general rule under the law of nations was such as we supposed.

Having no authority to press the point in question, I took the assurance thus given by Count Nesselrode as sufficient, in all probability, to answer every national purpose.

Referring to the American Treaty, I am assured, as well by Count Nesselrode as by Mr. Middleton, that the ratification of that instrument was not accompanied with any explanations calculated to modify or affect in any way the force and meaning of its Articles. But I understand that, at the close of the negotiation of that Treaty, a Protocol, intended by the Russians to fix more specifically the limitations of the right of trading with their possessions and understood by the American Envoy as having no such effect, was drawn up and signed by both

parties. No reference whatever was made to this paper by the Russian Plenipotentiaries in the course of my negotiation with them; and you are aware, Sir, that the Articles of the Convention which I concluded depend for their force entirely on the general acceptation of the terms in which they are expressed.

I have, &c.
(Signed) STRATFORD CANNING.

(No. 7.)

Count Lieven to Count Nesselrode.

M. le Comte, *Londres, le 8 (20) Mai, 1825.*

CONFORMÉMENT aux ordres de votre Excellence, je me suis empressé de donner à Mr. Canning lecture et copie de la dépêche accompagnant l'envoi de notre ratification de la Convention conclue avec Mr. Stratford Canning au sujet des possessions respectives de la Russie et de la Grande-Bretagne sur la côte nord-ouest de l'Amérique.

Avant même la réception de cette pièce, je m'étois fait un devoir d'observer au Secrétaire d'État combien le refus du Gouvernement Anglois de consentir à la fixation de la frontière au moyen de la crête des montagnes qui suivent les sinuosités de la côte devoit paroître rigoureux au Cabinet Impérial, lorsqu'il s'agit que de l'occupation de quelques lieues de terre de plus ou de moins, et qu'une immense étendue de pays désert nous sépare encore des possessions Angloises.

J'appelai également son attention, sur l'influence inévitable que la roideur que nous avions éprouvée sur un point aussi peu important en lui-même, exerceroit sur la conduite des négociations de la même nature que le Gouvernement Anglois alloit être dans le cas d'entreprendre incessamment avec les États-Unis, auxquels cette circonstance ne manqueroit certainement pas de donner la mesure des difficultés et des prétentions qu'ils auront à combattre.

Mr. Canning, en rendant pleine justice aux intentions qui ont déterminé les Concessions consentées par notre Cour, dont la marche en cette occasion a porté incontestablement l'empreinte des dispositions amicales de Sa Majesté l'Empereur vis-à-vis de l'Angleterre, a cherché à justifier l'insistance du Gouvernement Britannique, en m'assurant qu'elle dérivoit uniquement du désir sincère de prévenir le retour de toute discussion fâcheuse à l'avenir, et non d'une intention quelconque d'acquérir un accroissement de territoire, ou de limiter l'extension des possessions Russes; que les contestations dans lesquelles le Gouvernement Anglois se trouve engagé en ce moment avec celui des États-Unis, à cause d'une stipulation du Traité de Gand, semblable à celle proposée par notre Cour et qui fixoit également une chaine de montagnes pour frontière entre les possessions des deux États, lui avoient démontré tout l'inconvénient d'une délimitation établie sur ce principe, les montagnes s'étant trouvées dévier très considérablement en réalité de la direction qui leur étoit désignée dans les cartes présumées les plus correctes et les plus détaillées: que cet inconvénient s'étant présenté lorsqu'il s'agissoit de contrées dont la géographie est bien plus connue que celle des régions auxquelles se refèrent les stipulations de la Convention du 16 (28) Février dernier, le Gouvernement Anglois, en insistant aujourd'hui sur la fixation d'une limite moins indéfinie, avoit cru donner une preuve du prix qu'il attache à prévenir jusqu'à la possibilité d'une discussion sur la teneur de la transaction conclue entre les deux Cabinets.

Ayant échangé avec Mr. Canning, dans la journée du 9 Avril, la ratification de notre Cour de cet acte, contre celle de Sa Majesté Britannique, j'ai l'honneur de transmettre ci-joint ce document à votre Excellence, accompagné du certificat d'usage servant à constater l'échange qui a eu lieu entre le Secrétaire d'État et moi.

J'ai, &c.

(Translation.)

Count, *London, May 8 (20), 1825.*

In conformity with your Excellency's orders, I hastened to read to Mr. Canning, and to give him a copy of the despatch accompanying our ratification of the Convention concluded with Mr. Stratford Canning with regard to the respective possessions of Russia and Great Britain on the north-west coast of America.

Even before the receipt of that document, I had made it my duty to remark to the Secretary of State how ungracious the refusal of the English Government to consent to the establishment of the frontier by means of the crest of the mountains which follow the sinuosities of the coast, must appear to the Imperial Cabinet when it was merely a question of the occupation of a few leagues of land more or less, and when an immense extent of desert country still separates us from the English possessions.

I likewise called his attention to the influence which the stiffness which we had experienced upon a point of so little importance in itself would inevitably exercise upon the management of the negotiations of the same nature which the English Government would shortly be compelled to undertake with the United States, to whom this circumstance would certainly not fail to give some idea of the difficulties and claims which she will have to combat.

Mr. Canning, while rendering full justice to the intentions which determined the Concessions granted by our Court, whose conduct on this occasion has borne indisputably the stamp of the friendly feelings of His Majesty the Emperor toward England, attempted to justify the persistence of the British Government by assuring me that it arose solely from a sincere desire to prevent the recurrence of any disagreeable discussion in future, and not from any intention of acquiring an increase of territory or of limiting the extension of the Russian possessions; that the disputes in which the English Government finds itself engaged at this moment with the

United States' Government, on account of a stipulation of the Treaty of Ghent similar to the one proposed by our Court, and which likewise fixed a chain of mountains as the frontier between the possessions of the two States, had shown it all the inexpediency of a delimitation established on this principle, the mountains having been found to deviate very considerably from the direction given them on the maps which were thought to be the most correct and the most detailed; that this inexpediency having presented itself in the case of countries whose geography is much better known than that of the regions to which the stipulations of the Convention of February 16 (28) last relate, the English Government, in now insisting upon the fixing of a less vague boundary, thought that it gave a proof of the value which it attaches to the prevention of even the possibility of a discussion as to the tenour of the transaction concluded between the two Cabinets.

Having exchanged with Mr. Canning, on the 9th April, the ratification of this act by our Court for that of His Britannic Majesty, I have the honour to transmit that document to your Excellency inclosed, accompanied by the customary certificate serving to establish the fact of the exchange which has taken place between the Secretary of State and myself.

I have, &c.

APPENDIX II.

TREATIES BETWEEN RUSSIA AND THE UNITED STATES, 1824; GREAT BRITAIN, 1825; AND THE UNITED STATES, 1867.

Convention between the United States of America and His Majesty the Emperor of all the Russias, relative to Navigating, Fishing, &c., in the Pacific Ocean.

(Concluded April 17, 1824; Ratifications exchanged, January 11, 1825; proclaimed January 12, 1825.)

[Original.]

Au nom de la Très Sainte et Indivisible Trinité.

LE Président des États-Unis d'Amérique, et Sa Majesté l'Empereur de toutes les Russies, voulant cimenter les liens d'amitié qui les unissent, et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour leurs Plénipotentiaires à cet effet, savoir:

Le Président des Etats-Unis d'Amérique, le Sieur Henry Middleton, citoyen des dits États, et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale; et

Sa Majesté l'Empereur de toutes les Russies, ses aimés et féaux les Sieurs Charles Robert, Comte de Nesselrode, Conseiller Privé actuel, Membre du Conseil d'État, Secrétaire d'État dirigeant le Ministère des Affaires Étrangères, Chambellan actuel, Chevalier de l'Ordre de St. Alexandre Nevsky, Grand Croix de l'Ordre de St. Wladimir de la Première Classe, Chevalier de celui de l'Aigle Blanc de Pologne, Grand Croix de l'Ordre de St. Étienne et d'Hongrie, Chevalier des Ordres du St. Esprit et de St. Michel et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des Ordres de l'Aigle Noir et de l'Aigle Rouge de Prusse, de l'Annonciade de Sardaigne, de Charles III d'Espagne, de St. Ferdinand et du Mérite de Naples, de l'Éléphant de Danemarc, de l'Étoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidélité de Bade, et de St. Constantin de Parme; et Pierre de Poletica, Conseiller d'État actuel, Chevalier de l'Ordre de St. Anne de la Première Classe et Grand Croix de l'Ordre de St. Wladimir de la Seconde:

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes:—

[Translation.]

In the name of the Most Holy and Indivisible Trinity.

THE President of the United States of America, and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty:

And His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the Administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the order of St. Wladimir of the First Class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the First Class, and Grand Cross of the Order of St. Wladimir of the Second;

Who, after having exchanged their full powers, found in good and due form, have agreed upon, and signed, the following stipulations:—

ARTICLE I.

Il est convenu que dans aucune partie du grand océan, appelé communément Océan Pacifique ou Mer du Sud, les citoyens ou sujets

ARTICLE I.

It is agreed that in any part of the great ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of

respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent :—

the High Contracting Powers shall be neither disturbed nor restrained either in navigation, or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following Articles :—

ARTICLE II.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les citoyens et sujets des Hautes Puissances Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les citoyens des États-Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant ; et que, réciproquement, les sujets Russes ne pourront aborder sans permission à aucun établissement des États-Unis sur la côte nord-ouest.

ARTICLE II.

With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the High Contracting Powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the Governor or Commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the north-west coast.

ARTICLE III.

Il est convenu, en outre, que dorénavant il ne pourra être formé par les citoyens des États-Unis, ou sous l'autorité des dits États, aucun établissement sur la côte nord-ouest d'Amérique, ni dans aucune des îles adjacentes *au nord* du 54° 40′ de latitude septentrionale : et que de même il n'en pourra être formé aucun par des sujets Russes, ou sous l'autorité de la Russie, *au sud* du même parallèle.

ARTICLE III.

It is, moreover, agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, *to the north* of 54° 40′ of north latitude ; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

ARTICLE IV.

Il est, néanmoins, entendu que pendant un terme de dix années à compter de la signature de la présente Convention, les vaisseaux de deux Puissances, ou qui appartiendroient à leurs citoyens ou sujets respectifs, pourront réciproquement fréquenter sans entrave quelconque, les mers intérieures, les golfes, havres, et criques sur la côte mentionnée dans l'Article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks upon the coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

Sont toutefois exceptées de ce même commerce accordé par l'Article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux indigènes par leurs citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte, ni être alléguée dans aucun cas, pour autoriser soit la visite ou la détention des vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feroient ce commerce, les Hautes Puissances Contractantes s'étant réciproquement réserve de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet Article, par leurs citoyens ou sujets respectifs.

ARTICLE V.

All spirituous liquors, fire-arms, other arms, powder and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding Article, and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce, the High Contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments, in case of the contravention of this Article, by their respective citizens or subjects.

ARTICLE VI.

Lorsque cette Convention aura été dûment ratifiée par le Président des États-Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de Toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à Saint-Pétersbourg, le 5 (17) Avril, de l'an de Grâce 1824.

(L.S.) HENRY MIDDLETON.
(L.S.) LE COMTE CHARLES DE NESSELRODE.
(L.S.) PIERRE DE POLETICA.

ARTICLE VI.

When this Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of All the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at St. Petersburgh, the 5th (17th) April, of the year of Grace 1824.

(L.S.) HENRY MIDDLETON.
(L.S.) LE COMTE CHARLES DE NESSELRODE.
(L.S.) PIERRE DE POLETICA.

Convention between Great Britain and Russia.

(Signed at St. Petersburgh, February 16 (28), 1825; presented to Parliament, May 16, 1825.)

In the Name of the Most Holy and Undivided Trinity.

(Translation.)

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an Agreement which may settle, upon a basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective possessions on the north-west coast of America, have named Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Stratford Canning, a Member of His said Majesty's Most Honourable Privy Council, &c., and

His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's Privy Councillor, a Member of the Council of the Empire, Secretary of State for the Department of Foreign Affairs, &c., and the Sieur Pierre de Poletica, His Imperial Majesty's Councillor of State, &c.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:—

ARTICLE I.

It is agreed that the respective subjects of the High Contracting Parties shall not be troubled or molested, in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following Articles:—

Au nom de la Très Sainte et Indivisible Trinité.

SA Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au commerce, à la navigation, et aux pêcheries de leurs sujets sur l'Océan Pacifique, ainsi que les limites de leurs possessions respectives sur la côte nord-ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa Majesté en son Conseil Privé, &c.; et

Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, son Conseiller Privé actuel, Membre du Conseil de l'Empire, Secrétaire d'État dirigeant le Ministère des Affaires Étrangères, &c.; et le Sieur Pierre de Poletica, son Conseiller d'État actuel, &c.;

Lesquels Plénipotentiaires, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:—

ARTICLE I.

Il est convenu que dans aucune partie du grand océan, appelé communément Océan Pacifique, les sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes, sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent:—

ARTICLE II.

In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the High Contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the Governor or Commandant: and on the other hand, that Russian subjects shall not land, without permission, at any British establishment on the north-west coast.

ARTICLE III.

The line of demarcation between the possessions of the High Contracting Parties, upon the coast of the Continent, and the islands of America to the north-west, shall be drawn in the following manner:—

Commencing from the southernmost point of the island called "Prince of Wales Island," which point lies in the parallel of 54° 40′ north latitude, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called "Portland Channel," as far as the point of the continent where it strikes the 56th degree of north latitude: from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as point of intersection of the 141st degree of west longitude (of the same meridian): and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the Continent of America to the north-west.

ARTICLE IV.

With reference to the line of demarcation laid down in the preceding Article it is understood:—

(1.) That the island called "Prince of Wales" Island shall belong wholly to Russia;

(2.) That wherever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.

ARTICLE V.

It is moreover agreed, that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding Articles to the possessions of the other. Consequently, British subjects shall not form any establishment either upon the coast, or upon the border of the continent comprised within the limits of the Russian possessions, as designated in

ARTICLE II.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les sujets des Hautes Parties Contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu que les sujets de Sa Majesté Britannique n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant, et que, réciproquement, les sujets Russes ne pourront aborder, sans permission, à aucun établissement Britannique sur la côte nord-ouest.

ARTICLE III.

La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique nord-ouest sera tracée ainsi qu'il suit:—

A partir du point le plus méridional de l'île dite "Prince of Wales," lequel point se trouve sous le parallèle du 54° 40′ de latitude nord, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite "Portland Channel," jusqu'au point de la terre ferme où elle atteint le 56e degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le Continent de l'Amérique nord-ouest.

ARTICLE IV.

Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent—

(1.) Que l'île dite "Prince of Wales" appartiendra toute entière à la Russie:

(2.) Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouveroit à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte, et qui ne pourra jamais en être éloignée que de 10 lieues marines.

ARTICLE V.

Il est convenu, en outre, que nul établissement ne sera formé par l'une des deux parties dans les limites que les deux Articles précédents assignent aux possessions de l'autre. En conséquence, les sujets Britanniques ne formeront aucun établissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des possessions Russes, telles qu'elles sont désignées dans les deux

the two preceding Articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

Articles précédens; et, de même, nul établissement ne sera formé par des sujets Russes au delà des dites limites.

ARTICLE VI.

It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article III of the present Convention.

ARTICLE VI.

Il est entendu que les sujets de Sa Majesté Britannique, de quelque côté qu'ils arrivent, soit de l'océan, soit de l'intérieur du continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières, qui, dans leurs cours vers la Mer Pacifique, traverseront la ligne de démarcation sur la lisière de la côte indiquée dans l'Article III de la présente Convention.

ARTICLE VII.

It is also understood, that, for the space of ten years from the signature of the present Convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland seas, the gulfs, havens, and creeks on the coast mentioned in Article III for the purposes of fishing and of trading with the natives.

ARTICLE VII.

Il est aussi entendu que, pendant l'espace de dix ans, à dater de la signature de cette Convention, les vaisseaux des deux Puissances, ou ceux appartenans à leurs sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les mers intérieures, les golfes, havres, et criques sur la côte mentionnée dans l'Article III afin d'y faire la pêche et le commerce avec les indigènes.

ARTICLE VIII.

The Port of Sitka, or Novo-Archangelsk, shall be open to the commerce and vessels of British subjects for the space of ten years from the date of the exchange of the ratifications of the present Convention. In the event of an extension of this term of ten years being granted to any other Power, the like extension shall be granted also to Great Britain.

ARTICLE VIII.

Le Port de Sitka, ou Novo-Archangelsk, sera ouvert au commerce et aux vaisseaux des sujets Britanniques durant l'espace de dix ans, à dater de l'échange des ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à la Grande-Bretagne.

ARTICLE IX.

The above-mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder or other warlike stores; the High Contracting Parties reciprocally engaging not to permit the bove-mentioned articles to be sold or delivered, any manner whatever, to the natives of the country.

ARTICLE IX.

La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre, les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que se puisse être, aux indigènes du pays, les articles ci-dessus mentionnés.

ARTICLE X.

Every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the ports of the respective parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than port and lighthouse dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the Regulations and Tariffs of the place where he may have landed.

ARTICLE X.

Tout vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les ports des parties respectives, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront pour lui les mêmes que pour les bâtimens nationaux. Si, cependant, le patron d'un tel navire se trouvoit dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'endroit où il aura abordé.

ARTICLE XI.

In every case of complaint on account of an infraction of the Articles of the present Convention, the civil and military authorities of the High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective Courts, who engage to settle the same in a friendly manner, and according to the principles of justice.

ARTICLE XI.

Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les autorités civiles et militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ces circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

ARTICLE XII.

The present Convention shall be ratified, and the ratifications shall be exchanged at London within the space of six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburgh, the 28th (16th) day of February in the year of our Lord 1825.

(L.S.) STRATFORD CANNING.
(L.S.) THE COUNT DE NESSELRODE.
(L.S.) PIERRE DE POLETICA.

ARTICLE XII.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans l'espace de six semaines, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Saint-Pétersbourg, le 28 (16) Février, de l'an de Grace, 1825.

(L.S.) STRATFORD CANNING.
(L.S.) LE COMTE DE NESSELRODE.
(L.S.) PIERRE DE POLETICA.

Treaty concerning the Cession of the Russian Possessions in North America by His Majesty the Emperor of all the Russias to the United States of America.

(Concluded March 30, 1867; Ratifications exchanged, June 20, 1867; proclaimed June 20, 1867.)

THE United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries:

The President of The United States, William H. Seward, Secretary of State; and

His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following Articles:—

SA Majesté l'Empereur de toutes les Russies et les États-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir:

Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Édouard de Stoeckl, son Envoyé Extraordinaire et Ministre Plénipotentiaire aux États-Unis; et

Le Président des États-Unis, le Sieur William H. Seward, Secrétaire d'État;

Lesquels, après avoir échangé leur pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:—

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States by his Convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: the eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the Convention between Russia and Great Britain of the 16th (28th) February, 1825, and described in Articles III and IV of the said Convention, in the following terms:—

ARTICLE I.

Sa Majesté l'Empereur de toutes les Russies s'engage par cette Convention à céder aux États-Unis, immédiatement après l'échange des ratifications, tout le territoire avec droit de souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles contigues, le dit territoire étant compris dans les limites géographiques ci-dessous indiquées, savoir: la limite orientale est la ligne de démarcation entre les possessions Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la Convention conclue entre la Russie et la Grande-Bretagne le 16 (28) Février, 1825, et définie dans les termes suivans des Articles III et IV de la dite Convention:—

"Commencing from the southernmost point of the island called 'Prince of Wales Island,' which point lies in the parallel of 54° 40 north latitude, and between the 131st and the 133rd degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called 'Portland Channel,' as far as the point of the continent where it strikes the 56th degree of north latitude. From this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding Article it is understood—

"1. That the island called 'Prince of Wales' Island shall belong wholly to Russia" (now, by this cession, to the United States).

"2. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned (that is to say, the limit to the possessions ceded by this Convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."

The western limit within which the territories and dominions conveyed are contained passes through a point in Bering Straits on the parallel of 65° 30′ north latitude, at its intersection by the meridian which passes midway between the Islands of Krusenstern, or Ignalook, and the Island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly south-west, through Bering Straits and Bering Sea, so as to pass midway between the north-west point of the Island of St. Lawrence and the south-east point of Cape Choukotski, to the meridian of 172° west longitude; thence, from the intersection of that meridian, in a south-westerly direction, so as to pass midway between the Island of Atton and the Copper Island of the Kormandorski couplet or group in the North Pacific Ocean, to the meridian of 193° west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

"A partir du point le plus méridional de l'île dite 'Prince of Wales,' lequel point se trouve sous le parallèle du 54° 40′ de latitude nord, et entre le 131e et le 133e degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au nord le long de la passe dite 'Portland Channel,' jusqu'au point de la terre ferme où elle atteint le 56e degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141e degré de longitude ouest (même méridien), et finalement, du dit point d'intersection la même ligne méridienne du 141e degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique Nord-Ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent—

"1er. Que l'île dite 'Prince of Wales' appartiendra toute entière à la Russie;" (mais dès ce jour, en vertu de cette cession, aux États-Unis);

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56e degré de latitude nord au point d'intersection du 141e degré de longitude ouest, se trouverait à la distance de plus de 10 lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie" (c'est-à-dire, la limite des possessions cédées par cette Convention) "sera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être éloignée que de 10 lieues marines."

La limite occidentale des territoires cédés passe par un point au Détroit de Bering sous le parallèle du 65° 30′ de latitude nord à son intersection par le méridien qui sépare à distance égale les Iles Krusenstern, ou Ignalook, et l'Ile Ratmanoff, ou Noonarbook, et remonte en ligne directe, sans limitation, vers le nord, jusqu'à ce qu'elle se perd dans la Mer Glaciale. Commençant au même point de départ, cette limite occidentale suit de là un cours presque sud-ouest, à travers le Détroit de Bering et la Mer de Bering, de manière à passer à distance égale entre le point nord-ouest de l'Ile Saint-Laurent et le point sud-est du Cap Choukotski jusqu'au méridien 172° de longitude ouest; de ce point, à partir de l'intersection de ce méridien, cette limite suit une direction sud-ouest de manière à passer à distance égale entre l'Ile d'Atton et l'Ile Copper du groupe d'îlots Kormandorski dans l'Océan Pacifique Septentrional jusqu'au méridien de 193° de longitude ouest, de manière à enclaver, dans le territoire cédé, toutes les Iles Aléoutes situées à l'est de ce méridien.

ARTICLE II.

In the cession of territory and dominion made by the preceding Article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed that the churches which have been built in the ceded territory by the Russian Government shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein.

ARTICLE II.

Dans le territoire cédé par l'Article précédent à la souveraineté des États-Unis sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, tous les constructions publiques, fortifications, casernes, et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenue que les églises construites par le Gouvernement Russe sur le territoire cédé resteront la propriété des membres de l'Église Grecque Orientale résidant dans ce territoire et appartenant à ce culte. Tous les

Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the Agent of the United States; but an authenticated copy of such of them as may be required will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects as they may apply for.

archives, papiers, et documents du Gouvernement ayant trait au susdit territoire, et qui y sont maintenant déposés, seront placés entre les mains de l'Agent des États-Unis; mais les États-Unis fourniront toujours, quand il y aura lieu, des copies légalisées de ses documents au Gouvernement Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ARTICLE III.

Il est réservé aux habitans du territoire cédé le choix du garder leur nationalité et de rentrer en Russie dans l'espace du trois ans; mais s'ils préfèrent rester dans le territoire cédé ils seront admis, à l'exception toutefois des tribus sauvages, à jouir de tous les droits, avantages et immunités des citoyens des États-Unis, et ils seront maintenus et protégés dans le plein exercice de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujéties aux lois et règlements que les États-Unis pourront adopter de temps en temps à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient dispatch, an Agent or Agents for the purpose of formally delivering to a similar Agent or Agents appointed on behalf of the United States the territory, dominion, property, dependencies, and appurtenances which are ceded above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications without waiting for such formal delivery.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera, aussitôt que possible, un Agent ou des Agents chargés de remettre formellement à l'Agent ou aux Agents nommés par les États-Unis le territoire, la souveraineté, les propriétés, dépendances et appartenances ainsi cédés et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications sans attendre la remise formelle.

ARTICLE V.

Immediately after the exchange of ratifications of this Convention any fortifications or military posts which may be in the ceded territory shall be delivered to the Agent of the United States, and any Russian troops which may be in the territory, shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette Convention, les fortifications et les postes militaires qui se trouveront sur le territoire cédé seront remis à l'Agent des États-Unis et les troupes Russes qui sont stationnées dans le dit territoire seront retirées dans un terme praticable et qui puisse convenir aux deux parties.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this Convention, to the Diplomatic Representative or other Agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, 7,200,000 dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unencumbered by any reservations, privileges, franchises, grants, or possessions, by any associated Companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made conveys all the

ARTICLE VI.

En considération de la susdite cession, les États-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois après l'échange des ratifications de cette Convention, 7,200,000 dollars en or au Représentant Diplomatique ou tout autre Agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du territoire avec droit de souveraineté faite par cette Convention est déclarée libre et dégagée de toutes réservations, privilèges, franchises, ou des possessions par des Compagnies Russes ou tout autre légalement constituées ou autrement, ou par des Associations, sauf simplement les propriétaires possédant des biens privés individuels, et la

rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this Convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at Washington, the 30th day of March, in the year of our Lord 1867.

(L.S.) WILLIAM H. SEWARD.
(L.S.) ÉDOUARD DE STOECKL.

cession ainsi faite transfère tous les droits, franchises, et privilèges appartenant actuellement à la Russie dans le dit territoire et ses dépendances.

ARTICLE VII.

Lorsque cette Convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part, et par le Président des Etats-Unis, avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont signé cette Convention, et y ont apposé le sceau de leur armes.

Fait à Washington, le 18 (30) jour de Mars, de l'an de notre Seigneur 1867.

(L.S.) ÉDOUARD DE STOECKL.
(L.S.) WILLIAM H. SEWARD.

APPENDIX III.

TERMINATION OF UNITED STATES' PRIVILEGES IN RUSSIAN-AMERICAN TERRITORY.

(See Senate Ex. Doc. 106, Fiftieth Congress, Second Session, pp. 223–247.)

Baron Krudener to Mr. Dickins.

(Translation.) *Washington, May* 19 (31), 1835.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, has the honour to address the following communication to Mr. Dickins, who has charge of the Department of Foreign Relations during the absence of the Secretary of State.

The Convention concluded between Russia and the United States on the 5th (17th) April, 1824, regulated various points respecting the commerce and navigation of the vessels of each nation along the north-west coast of America. The IVth Article of this Convention grants to American vessels for ten years after the date of the signature thereof the right of frequenting, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks comprised within the limits of the Russian possessions on the aforesaid coast, and especially northward of 54° 40′ of north latitude.

This period of ten years expired on the 5th (17th) April, 1834, notwithstanding which two American captains, Snow and Allen, who were then in the port of Novo-Archangelsk, declared their intention to visit the anchoring places on the coast belonging to Russia, as before, on the plea that they had received no notice of the cessation of this privilege from their Government. This declaration induced Captain Baron de Wrangel, Governor of the Russian-American Colonies, to state formally to Captains Snow and Allen, by a circular addressed to them under date of the 27th April, that by the terms of the Convention of April, 1824, American vessels had no longer the right of landing at their discretion at all the landing-places of the said possessions in America.

In consequence of what is here exposed the Ministry of His Majesty the Emperor of all the Russias has ordered the Undersigned to call the attention of the American Government to the fact that the IVth Article of the Treaty of 5th (17th) April, 1824, by which indefinite and indiscriminate liberty ("une liberté indéfinie et indistincte") of frequenting the respective possessions of each party on the north-west coast was granted to the vessels of each, has expired.

The new state of things brought on by the terms of the Treaty, since the expiration of the said ten years, not having been sufficiently appreciated by the navigators of the United States, who have latterly frequented the Russian possessions on the north-west coast of North America, it appears to be necessary that the American public should be informed of the actual state of the relations on this subject, and the Undersigned has been ordered to invite the Government of the United States to take the most suitable measures with regard to it.

The Undersigned, &c.,

(Signed) B. KRUDENER.

Extracts from the "Globe" Newspaper of July 23, 1835.

IT will be recollected that a Convention was concluded between the United States and Russia in April 1824, regulating various matters connected with the commerce and navigation of the two nations on the north-west coast of America. By the IVth Article it was stipulated that the ships of both nations might, during a term of ten years, frequent without hindrance the interior seas, gulfs, harbours, and creeks of each nation on that coast for the purpose of fishing and trading with the natives of the country. The ten years expired in April 1834, and we understand that iormal notice has been given by the Governor of the Russian Colonies to the masters of the American ships then trading there that they could no longer claim, under the Convention, the right of landing at all the landing-places, without distinction, belonging to Russia on that coast. Those interested in the trade will not fail to observe that under the IInd Article of the

Convention it is necessary for all American vessels resorting to any point on that coast where there is a Russian establishment to obtain the permission of the Governor or Commander.

[*Note.*—The notice of termination of the privilege to American vessels to visit the interior seas, gulfs, harbours, and creeks of the coast of North America north of 54° 40′, as stipulated in Article IV of the Russian American Treaty, was followed by a correspondence between the American and Russian Governments extending from 1835 to 1838.

In 1836 an American vessel, the "Loriot," was seized by a Russian armed vessel in the Harbour of Tuckessan, latitude 54° 55′, and taken to Tateskey, latitude 54° 45′, on the north-west coast of America, and thence forced to leave Russian waters on the ground that it was no longer permitted to American vessels to visit that coast north of 54° 40′. The United States' Government protested against this act, but Russia declined to render any satisfaction therefor. The correspondence on both subjects was closed by the following notes.]

Mr. Dallas to Mr. Forsyth.

(No. 17.)

Sir, *Legation of the United States, St. Petersburgh, May* 13, 1838.

ON the 9th instant the communication of which I annex a copy was received from Count Nesselrode in reply to my request under date of the 26th March last to be furnished with information as to the measures adopted, or proposed to be adopted, by this Government respecting the admission of American vessels into the Russian establishments on the north-west coast.

It will be perceived that the substance of Count Nesselrode's note is distinct and definite, and that the single and simple measure adopted in relation to our vessels is their absolute exclusion from what are deemed the Russian possessions. The published order of Governor Wrangel, to which Baron Krudener in 1835 called your attention, is confirmed unqualifiedly in principle and practice; and the Cabinet at Washington is invited to repeat the warning heretofore given by it to the citizens of the United States not to contravene that prohibitory notice, so that they may avoid exposing themselves to the consequences of misunderstanding or collision.

Although my request for information was expressly limited to Russian establishments, and Count Nesselrode's reply to it may not strictly be extended beyond that limit, I cannot help thinking that the prefatory and peculiar reference he has made to the expiration of the IVth Article of the Convention is meant as a reiteration of the position assumed in the case of the "Loriot," Captain Blinn, to wit, that since April 1834, our right to frequent the interior seas, gulfs, harbours, and creeks north of 54° 40″ north latitude, whether actually occupied or not, has ceased. The consistent brevity, indeed, with which the effect of the ten years' limitation is uniformly invoked, satisfies me that it is esteemed a *point d'appui* in relation to our rights and pretensions on the north-west coast too conclusive to be admitted or argued. My letter in answer to the first assumption of that position, dated the 17th March, 1838, and forwarded to you with despatch No. 15 has not been noticed.

* * * * * *

Very respectfully, &c.
(Signed) G. M. DALLAS.

Count Nesselrode to Mr. Dallas.

(Translation.) *St. Petersburgh, April* 27, 1838.

MR. DALLAS, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has been pleased, in his note of the 14th (26th) March, to express a desire to know what measures have been adopted in consequence of the expiration of the IVth Article of the Convention of 1824, respecting the admission of American vessels into the harbours, bays, and rivers of the Russian establishments on the north-west coast. This request is made on account of the intention on the part of the Cabinet at Washington to adopt similar regulations, and such as may tend to prevent any injury to the relations now so fortunately existing between the two countries.

The Undersigned, hastening to reply to an overture accompanied by an assurance so satisfactory for the Imperial Government, makes it his duty to observe to Mr. Dallas that, as the IVth Article of the Convention of the 5th (17th) April, 1824, has only granted for ten years to the vessels of the two Powers, or those belonging to their citizens or subjects respectively, the right of frequenting, reciprocally, the interior seas, gulfs, harbours, and creeks on the coast mentioned in the IIIrd Article of the same Convention, for the purpose of fishing and trading with the natives of the country, and as this term of ten years expired in the month of April 1834, the authorities of the Russian establishments on the said coast are required to see that American vessels no longer frequent the interior seas, gulfs, harbours, and creeks situated north of the latitude of 54° 40′ north, as Russian vessels are, in like manner, forbidden to visit places of the same sort south of that parallel; and to maintain this prohibition it is the duty of the said authorities to adopt the necessary measures, with the view of keeping up relations of harmony between the two Governments.

The Governor of the Russian Colonies on the north-west coast, having made upon this subject a publication which has been submitted to the knowledge of the Government of the

United States, and the Emperor's Minister at Washington having immediately afterwards invited that Government to make known to the citizens of the United States the new order of things consequent upon the expiration of the IVth Article, the undersigned flatters himself with the belief that the Cabinet at Washington, in executing its announced resolution to adopt on its part similar measures, will think proper likewise to repeat its warning to the citizens of the United States not to contravene the prohibition in question, and thus to avoid exposing themselves to the consequences of a misunderstanding or collision, which the Imperial Government would be the first to deplore.

On its part, the Imperial Government will not cease to recommend to its authorities on the north-west coast the necessary precautions, so that, while maintaining the rights acquired by Russia at the expiration of the IVth Article, they should not lose sight of the respect due to the bonds of amity which unite the two Governments, and which the Imperial Cabinet will always desire to strengthen and render more close for the mutual interests of their respective citizens and subjects.

The undersigned seizes, &c.

(Signed) NESSELRODE.

APPENDIX IV.

THE HUDSON BAY COMPANY AND ITS RELATION TO THE RUSSIAN-AMERICAN TERRITORY.

(Report from the Select Committee on the Hudson Bay Company. Ordered by the House of Commons to be printed, 31st July and 11th August, 1857. 224. 260.—Sess. 2. 0.109.—1858.)

Minutes of Evidence taken before the Select Committee on the Hudson Bay Company.

February 26, 1857.

Sir George Simpson, called in and examined.

702. *Chairman.* I believe you hold an important situation in the administration of the territories of the Hudson's Bay Company?—I do.

703. What is it?—I have been Governor of their territories for many years.

704. How long have you held that situation?—Thirty-seven years I have been their principal representative.

705. *Mr. Edward Ellice.* As Governor the whole time?—Yes; I have held the situation of Governor the whole time.

714. Of course, having administered the affairs of the Hudson's Bay Company during so long a period, you are well acquainted with every part of their territories?—I have travelled through the greater part of the country. I have not visited what are usually known as the Barren grounds.

715. You are well acquainted with the western portion as well as the eastern?—Yes; I have not been in Mackenzie River, but I have been in nearly all the other parts of the country. My usual route in going up the country is from Montreal by Rainy Lake and Lake Winnipeg to Red River. I have crossed the Rocky Mountains at three different points to Oregon.

733. Are you acquainted with the coast near Vancouver Island and above it?—Yes; I have gone along the coast from Puget Sound to the Russian principal establishment at Sitka.

735. Do you know Queen Charlotte Island?—I have not been on Queen Charlotte Island.

736. *Mr. Edward Ellice.* You confine your observation to the mainland?—Yes.

1018. In what way is justice administered in that country which is under your control?—As nearly as possible according to the laws of England. We have a very competent legal officer, who fills the office of Recorder at Red River Settlement.

1019. Supposing an outrage takes place in a distant part of the country, what happens?—The case would be tried probably at Red River or at Norway House.

1020. How can that be done; when a murder, for instance, takes place in a very distant part of the country, what is then done?—In one case three parties who were concerned in a murder were removed to Canada for trial, all the way from Mackenzie River, at great difficulty and great expense.

1021. I suppose in very distant parts of the country you administer justice as best you may?—In many instances we have brought cases to Red River, where the parties have been regularly tried by jury.

1022. For minor offences, what proceedings do you adopt practically?—The Indian is reprimanded and held in disfavour for some time.

1060. *Mr. Gordon.*—I suppose this can hardly be considered as administration of justice. I find that in Mr. Alexander Simpson's Life of Mr. Thomas Simpson, at page 427, it is stated that the Company has the invariable rule of avenging the murder by Indians of any of its servants by blood for blood, without trial of any kind. Is that the case?—We are obliged to punish Indians as a measure of self-preservation in some parts of the country.

1061. And without any form of trial?—We seldom get hold of them for the purpose of trial, and they are usually punished by their own tribe. I scarcely know a case—there may have been, perhaps, a few cases—in which our own servants have retaliated; but the Indians are usually punished by the tribe to which they belong.

1153. As regards the government of the territory, how is it governed? I am now speaking not of trade, but of the general government of the territory.—In the Red River Settlement, in the district of Assiniboia, the present Recorder is the Governor of the district.

1154. He has the executive power as well as the judicial?—Yes.

1157. What there is to be done he does?—Yes; our gaols are almost always empty; they scarcely ever have an inmate.

1158. As to the rest of the territory, how is that governed?—By myself and the Council.

1159. Have you any legislative power?—No.

1026. Besides your own territory, I think you administer a portion of the territory which belongs to Russia, under some arrangement with the Russian Company?—There is a margin of coast, marked yellow in the map, from 54° 40′ up to Cross Sound which we have rented from the Russian-American Company for a term of years

1027. Is that the whole of that strip?—The strip goes on to Mount St. Elias.

1028. Where does it begin?—Near Fort Simpson, in latitude 54°; it runs up to Mount St. Elias, which is farther north.

1029. Is it the whole of that strip which is included between the British territory and the sea?—We have only rented the part between Fort Simpson and Cross Sound.

1030. What is the date of that arrangement?—That arrangement, I think, was entered into about 1839.

1031. What are the terms upon which it was made; do you pay a rent for that land?—The British territory runs along inland from the coast about 30 miles; the Russian territory runs along the coast; we have the right of navigation through the rivers to hunt the interior country. A misunderstanding existed upon that point in the first instance; we were about to establish a post upon one of the rivers, which led to very serious difficulties between the Russian-American Company and ourselves. We had a long correspondence, and to guard against the recurrence of these difficulties it was agreed that we should lease this margin of coast and pay them a rent. The rent was, in the first instance, in otters—I think we gave 2,000 otters a-year; it is now converted into money. We give, I think, 1,500*l.* a-year.

1032. *Mr. Charles Fitzwilliam.*—What otter is that?—The land otter from the east side of the mountains. We now pay 1,500*l.* a year for the use of this margin of coast.

1033. *Chairman.*—Is it a lease for a term of years?—I think the term was orginally ten years.

March 2. 1857.

Sir George Simpson, called in and further examined.

1732. *Chairman.*—I think you made an arrangement with the Russian Company by which you hold under lease a portion of their territory?—Yes.

1733. I believe that arrangement is that you hold that strip of country which intervenes between your territory and the sea, and that you give them 1,500*l.* a year for it?—Yes.

1734. What were your objects in making that arrangement?—To prevent difficulties existing between the Russians and ourselves—as a peace offering.

1735. What was the nature of those difficulties?—We were desirous of passing through their territory, which is inland from the coast about 30 miles. There is a margin of 30 miles of coast belonging to the Russians. We had the right of navigating the rivers falling into the ocean and of settling the interior country. Difficulties arose between us in regard to the trade of the country, and to remove all those difficulties we agreed to give them an annual allowance. I think, in the first instance, 2,000 otter skins, and afterwards of 1,500*l.* a year.

1738. During the late war which existed between Russia and England, I believe that some arrangement was made between you and the Russians by which you agreed not to molest one another?—Yes; such an arrangement was made.

1739. By the two Companies?—Yes; and Government confirmed the arrangement.

1740. You agreed that on neither side should there be any molestation or interference with the trade of the different parties?—Yes.

1741. And I believe that that was strictly observed during the whole war?—Yes.

1742. *Mr. Bell.* Which Government confirmed the arrangement, the Russian or the English, or both?—Both Governments.

Powers of the Hudson's Bay Company.

(Appendix to Report, p. 408.)

Copy of a Letter from the Governor of the Hudson's Bay Company to Lord Stanley.

My Lord, *Hudson's Bay House, London, June* 8, 1842.

I have the honour to acknowledge receipt of Mr. G. W. Hope's letter of the 4th instant, inclosing, by direction of your Lordship, copy of an address of the House of Commons for certain papers relating to the Hudson's Bay Company, and requesting that you may be furnished, for presentation to the House, with a copy of the existing Charter or grant by the Crown to the Company, together with a list of the dates of all former Charters or grants to them.

In compliance with your Lordship's request, I herewith hand a printed copy of the first and only Charter for incorporating the Hudson's Bay Company, granted by His Majesty King Charles the Second, in the year 1670, together with copy of the licence given to the Company by Her Majesty on the 30th May, 1838 (under the provisions of the Act 1 & 2 Geo. IV, cap. 66) of the exclusive trade with the Indians in such parts of North America as are not part of the lands or territories granted to the Company by their Charter, and not forming any of Her Majesty's provinces in North America or of any lands or territories belonging to the United States of America or other foreign Power.

The grant of exclusive trade was first made on the 6th December, 1821, to "the Governor and Company of Adventurers of England trading to Hudson's Bay," in conjunction with "William M'Gillivray, of Montreal, in the Province of Lower Canada, Esquire, Simon M'Gillivray, of Suffolk Lane, in the City of London, merchant, and Edward Ellice, of Spring Gardens, in the County of Middlesex, Esquire."

These gentlemen subsequently surrendered their interest to the Hudson's Bay Company, to whom Her Majesty was pleased to make the grant of 1838.

I have, &c.

(Signed) J. H. PELLY, *Governor.*

Extract from the Royal Charter for Incorporating the Hudson's Bay Company.

(Appendix to Report, p. 411.)

And further, our will and pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said Governor and Company, and to their successors, that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, to assemble themselves, for or about any the matters, causes, affairs, or businesses of said trade, in any place or places for the same convenient, within our dominions or elsewhere, and there to hold court for the said Company and the affairs thereof; and that, also, it shall and may be lawful to and for them, and the greater part of them, being so assembled, and that shall then and there be present, in any such place or places, whereof the Governor or his deputy for the time being to be one, to make, ordain, and constitute such and so many reasonable laws, constitutions, orders, and ordinances as to them, or the greater part of them, being then and there present, shall seem necessary and convenient for the good government of the said Company, and of all Governors of Colonies, forts, and plantations, factors, masters, mariners, and other officers employed or to be employed in any of the territories and lands aforesaid, and in any of their voyages; and for the better advancement and continuance of the said trade or traffic and plantations, and the same laws, constitutions, orders, and ordinances so made, to put in, use, and execute accordingly, and at their pleasure to revoke and alter the same or any of them, as the occasion shall require: And that the same Governor and Company, so often as they shall make, ordain, or establish any such laws, constitutions, orders, and ordinances, in such form as aforesaid, shall and may lawfully impose, ordain, limit, and provide such pains, penalties, and punishments upon all offenders, contrary to such laws, constitutions, orders, and ordinances, or any of them, as to the said Governor and Company for the time being, or the greater part of them, then and there being present, the said Governor or his deputy being always one, shall seem necessary, requisite, or convenient for the observation of the same laws, constitutions, orders, and ordinances: and the same fines and amerciaments shall and may, by their officers and servants from time to time to be appointed for that purpose, levy, take, and have, to the use of the said Governor and Company, and their successors, without the impediment of us, our heirs or successors, or of any the officers or Ministers of us, our heirs or successors, and without any account therefore to us, our heirs or successors, to be made: All and singular which laws, constitutions, orders, and ordinances, so as aforesaid to be made, we will to be duly observed and kept under the pains and penalties therein to be contained; so always as the said laws, constitutions, orders, and ordinances, fines, and amerciaments, be reasonable and not contrary or repugnant, but as near as may be agreeable to the laws, statutes, or customs of this our realm.

APPENDIX V.

CANADIAN SESSIONAL PAPERS.

(From Vol. XI, No. 125, p. 27.)

Memorandum.

Department of the Interior, Dominion Lands Branch,
Ottawa, February 17, 1874.

CERTAIN papers, that is to say:

1. A despatch from the Secretary of State for the Colonies to the Governor-General, dated the 12th March, 1873, covering an extract of a despatch from Sir Edward Thornton to the Earl of Granville, dated the 15th February, 1873.

2. A further despatch from the Secretary of State for the Colonies to the Governor-General, dated the 19th March, 1873, together with a letter from Lord Tenterden to the Under-Secretary, dated the 12th March, 1873.

3. Two Orders of the Honourable the Privy Council, dated, respectively, the 20th September, 1872, and the 5th December, 1873.

4. A letter from Captain Cameron, R.A., Her Majesty's British North American Boundary Commissioner, dated the 29th November, 1873, together with other documents on the subject of the contemplated survey of the boundary between British Columbia and the Dominion lands and the United States' territory of Alaska, having been referred to the Undersigned, he has the honour to submit the following report thereon.

In order to illustrate his remarks he annexes—

1. An extract from the Treaty of the 28th February, 1825, between Great Britain and Russia, describing the boundary in question.

2. A tracing from the official Map, published by the United States' Government, of the surveys of the north-west coast of the Pacific, and showing the whole boundary from the head of the Portland Canal to the Arctic Ocean.

The Undersigned is of opinion that it is unnecessary at present (and it may be for all time) to incur the expense of determining and marking any portion of the boundary under consideration other than at certain of the points mentioned in the extract alluded to in the despatch from Sir Edward Thornton to the Earl of Granville, dated the 15th February, 1873, that is to say:

1. The head of the Portland Canal, or the intersection of the same by the 56th parallel of north latitude.

2. The crossing of the following rivers on the Pacific coast by the said boundary, that is to say, the Rivers Shoot, Stakeen, Taku, Isilcat, and Chilkaht.

3. The points where the 141st meridian west of Greenwich crosses the Rivers Yukon and Porcupine.

There is no object to be gained of which the undersigned is aware in fixing the intersection of the boundary along the coast with the 141st meridian, assumed to be on Mount Elias. That expenditure, therefore, may be saved.

The most expensive part of the service proposed is involved in determining the crossing of the rivers mentioned by the boundary, as the same is to run directly parallel to the Pacific coast.

It must be remembered, however, as a very important consideration as regards the cost of the survey now proposed, that the several rivers named, being, as the undersigned is led to believe, navigable up to and beyond the probable line of boundary, will greatly facilitate the determination of the latter; and, further, the United States' surveys of the coast could be advantageously used to locate the coast line in deciding the mouths of the rivers in question as points from whence the necessary triangulation surveys should commence in order to determine the 10 marine leagues back, and might further be agreed on and adopted by the Commissioners as affording the data which, in their discretion, might be used to regulate the direction and location of the boundary across the valleys of those rivers.

The points of crossing of the Rivers Yukon and Porcupine by the 141st meridian might be fixed by a separate Commission, which, appointed simultaneously with the other, might ascend the Yukon by a steam launch, leaving the ship which would carry the party from San Francisco at the mouth, and take the necessary observations for longitude and erect boundaries.

This might easily be done in one season, and the occasion might also be turned to valuable account in acquiring information respecting the Dominion territories drained by those rivers.

Respectfully submitted.

(Signed) J. S. DENNIS, *Surveyor-General.*

The Honourable the Minister of the Interior,
Ottawa.

(From Vol. XI, No. 125, p. 45.)

Extract from the Journal of the Royal Geographical Society (vol. 39, p. 156, 1869).

Portland Inlet, through the centre of which runs the boundary between the British and lately-acquired territory of the United States, has been surveyed and found to extend 11 miles farther north than shown on the old charts. Several new anchorages have also been found and surveyed on the main route between Vancouver Island and Fort Simpson, the northern boundary.

(From Vol. XI, No. 123, p. 57.)

Extract from Letter of Mr. Justice Gray, of Victoria, British Columbia, dated 16th October, 1876, addressed to the Hon. Alexander Mackenzie.

I have the honour to inclose the substance of some observations resulting from the late Cassiar Assizes held by me, which, as affecting the interests of the Dominion, on my return I addressed to Mr. Richards, the Lieutenant-Governor of this province, for information of the Government at Ottawa; but which, after consideration, he thought it advisable I should send direct to yourself.

They arise entirely out of the question of international right in the Alaska territory.

The first as to the necessity of some arrangement by which criminals may be transported from Cassiar through that territory to the penitentiary or other places of imprisonment at Victoria, Westminster, or elsewhere.

Except by the Stikeen, 15 miles of which, near the mouth, will undoubtedly be in American territory, even after the settlement of the boundary-line, but 30 miles of which is now treated as within the Colonial line, there is at present no mode of communication other than through 60 miles of unbroken forest, rendering the transportation of a criminal almost an impossibility. A question has already arisen from an attempt at escape, and a murderous assault made on the constable having been in charge, by a prisoner sentenced at the late assize, while *in transitu* within the 30 miles near the mouth, upon the ground of its being American territory and he being an American citizen. Many desperate American characters collect at the mines. They are thoroughly aware that they cannot be sent to a place of punishment except by passing through this territory, and the administration of justice will practically cease in that gold-producing district unless the right of transit is maintained or secured.

The original right of free navigation under the Russian Convention, 1825, may perhaps be considered as restricted by the terms used in the Alabama Treaty, limiting the navigation to the purposes of commerce only.

I express no opinion on this point, as it will come up on the prisoner's trial in November next for the assault before mentioned.

(From Vol. XI, No. 125, pp. 151–152.)

Case of Peter Martin.

Sir, *Victoria, B.C., June , 1877.*

I have the honour to acknowledge receipt of your instructions (No. 6064) dated the 3rd March last, directing me to mark on the map of the Stikeen River, to be returned with my report, the place where the assault was committed in September last by Peter Martin on the policeman Frank Beegan, and setting forth generally the circumstances of the case.

The point marked (B) on the tracing herewith submitted was pointed out to me by Frank Beegan, above-named, who formed one of my party on the survey of the Stikeen River, as being very near the place where the assault referred to was committed.

The precise spot where the assault took place could not be identified, as some of the trees in the locality had been cut down subsequent to September last, and as the ground at the time of the survey was covered with snow; the spot (B) pointed out by Beegan, if not correct, is believed to be within 100 yards of the actual spot where the assault was committed.

This point (B) is 13 miles from the mouth of the Stikeen, and 8½ miles within the United States' territory of Alaska, as defined by the boundary-line as shown on the tracing above referred to.

I have, &c.
(Signed) JOS. HUNTER.

J. S. Dennis, Esq.,
Surveyor-General, Ottawa, Canada.

The Earl of Carnarvon to the Earl of Dufferin.

My Lord, *Downing Street, August* 16, 1877.

With reference to my despatch of the 21st March and to previous correspondence on the same subject, I have now the honour to communicate to you the views of Her Majesty's Government, adopted after consultation with the Law Officers of the Crown, in reference to the case of Peter Martin, for whose release an application has been made by the Government of the United States.

Her Majesty's Government are advised that the demand of the United States for the release of Peter Martin cannot properly be rejected.

In communicating with the United States' authorities it should be stated that Peter Martin is surrendered on the ground that he was a prisoner conveyed through United States' territory.

The unauthorized conveyance of a prisoner through the territory of a foreign Power is an infraction of the rights of sovereignty of such Power, and entitles that Power to demand the liberation of the prisoner, even after he has left those territories in which he was detained, and from which he has been taken without the authority and in violation of the law of the country.

This right to demand the liberation of a prisoner conveyed without authority through the territory of a foreign Power is not affected by the question whether the prisoner is or is not a subject of the foreign Power.

Being of opinion that the rights of free navigation now depend upon the XXVIth Article of the Treaty of Washington, which expressly states the navigation to be open for the purpose of commerce, Her Majesty's Government are of opinion that a prisoner cannot lawfully be conveyed through Alaska by the Stikeen River.

It will be well, therefore, that the Canadian Government should take early steps for the liberation of Peter Martin.

I have, &c.
(Signed) CARNARVON.

Governor-General the Right Honourable the Earl of Dufferin,
K.P., G.C.M.G., K.C.B, &c.

APPENDIX VI.

OCCUPATION BY THE UNITED STATES OF THE "LISIERE."

The Secretary of War to the Secretary of State.

War Department, Washington, September 14, 1898.

Sir,

IN answer to your inquiry I have the honour to state that Fort Tongas, Alaska Territory, situate between 54° 40′ and 55° north latitude, was occupied by a detachment of United States' troops from the 29th April, 1868, to the 7th October, 1870. So far as the records of this Department disclose, no objection to this occupation was made by any British or Canadian authority.

Very respectfully,
(Signed) G. D. MEIKLEJOHN,
Acting Secretary of War.

The Secretary of State.

The Secretary of the Treasury to the Secretary of State.

Treasury Department, Office of the Secretary, Washington, D.C., September 15, 1898.

Sir,

Replying to your inquiries respecting the south-east coast of Alaska, I have the honour to inform you that an examination of the records of this Department shows that a customs office was established at Tongas, South-East Alaska, 15th March, 1869, and was maintained until 1888: at Mary Island, in August 1892, and still continued; at Wrangel, in 1870, a customs station, now being maintained at the international boundary-line on the Stikeen River, about 10 leagues from its mouth, at Juneau, March, 1883; at Chilcot, August 1890; one at Dyea, with a customs station at the international boundary.

In addition, I have to report that the steamers of the Revenue Service have made annual visits to the coast in question since 1867, under the instructions of this Department, entering all the inlets and arms of the sea to the head of navigation, for the purposes of protecting the revenue, enforcing the United States' laws, and preserving peace and order among the natives.

Respectfully yours,
(Signed) L. J. GAGE, *Secretary.*

The Secretary of State.

The Secretary of the Interior to the Secretary of State.

Department of the Interior, Washington, September 16, 1898.

Sir,

I have the honour to transmit herewith a copy of a letter, addressed to you by Dr. Sheldon Jackson, touching the establishment of schools, &c., in South-East Alaska since 1877, together with a letter from the Commissioner of Education regarding the provisions made by this Department for the education of children in Alaska since 1884.

There are also transmitted herewith for your information copies of the reports of the special agent of this Department charged with the taking of the census of Alaska in 1880 and 1890, with accompanying maps of that territory and a Memorandum showing the executive documents published by this Government touching the district of Alaska and the boundaries between the United States and Great Britain from 1828 to 1876, inclusive.

In this connection attention is directed to Senate Ex. Doc. No. 179, Forty-sixth Congress, Second Session (Senate Ex. Docs., vol. iv, 1879–80), which contains a detailed report from the Secretary of the Treasury to the Senate concerning matters connected with Alaska territory and the transfer of jurisdiction over the territory from the War Department to the Treasury Department.

From this document it appears that an Army post was established at Sitka, Alaska, as early as 1867, and soon afterwards four other military posts were established, viz., Kodiak, Tongas, Kenay, and Wrangel.

Very respectfully,
(Signed) C. N. BLISS, *Secretary.*

The Secretary of State.

Department of the Interior, Bureau of Education,
Washington, D.C., September 15, 1898.

Sir,

Referring to your verbal instructions of the 13th instant, I have the honour to present herewith in brief form the particulars relative to the establishment of schools by this Bureau under the direction of the Honourable the Secretary of the Interior, the same being stationed along the south coast of Alaska.

In 1884 Congress, in the organic Act creating the district of Alaska, enacted that the Secretary of the Interior should make needful and adequate provisions for the education of the children of that section without distinction of race. In accordance with which Act, on the 2nd March, 1885, the Secretary of the Interior assigned this work to the United States' Bureau of Education, and Dr. Sheldon Jackson was appointed General Agent of the Bureau to the work. Public schools were at once established at Sitka, Juneau, Fort Wrangel, Jackson, and Haines, in South-East Alaska, and in Unalaska in the Aleutian Islands.

The school at Haines is on Portage Bay, at the head of Lynn Canal; approximate latitude 57° 15′ north, longitude 135° 28′ west. The public school was opened in 1885, and has continued in operation to the present time.

In the fall of 1886 a public school was established at Loring, Naha Bay, Behm Canal, with latitude approximately 55° 40′ north, and longitude 130° 45′ west, with Samuel A. Saxman, of Pennsylvania, as teacher. In November 1886 Professor Saxman was removed to Tongas.

In 1885 a school was opened at Fort Tongas, on Tlekhonsiti Harbour, in about latitude 54° 45′ north, and longitude 130° 45′ west. The school was opened in the United States' Military Barracks, which had been erected in 1867, with Louis Paul, teacher. In November, 1886, Professor A. Saxman was placed in charge. During the winter Mr. Saxman and Mr. Paul were drowned at sea, and the school was discontinued in the spring of 1887.

In July, 1888, a public school was opened at Metlakahtla, Annette Island, in latitude 55° 10′ north, and longitude 131° 25′ west, set apart for the purpose by Act of Congress approved the 3rd March, 1891 (an Act to repeal timber-culture laws, &c., sec. 15). The school was taught by Mr. William Duncan, assisted by one or two native teachers. That school has been in operation to the present time, some years under the charge of the Bureau of Education, and other years sustained by the Colony itself.

In 1895 a public school was opened at Saxman, on Tongas Narrows, approximate latitude 55° 25′ north, and longitude 131° 30′ west, with two teachers. The school is still in operation.

All of which is respectfully submitted.

(Signed) W. T. HARRIS, *Commissioner.*

The Secretary of the Interior.

Department of the Interior, Bureau of Education, Alaska Division.
Washington, D.C., September 15, 1898.

Sir,

In response to your inquiry of the 13th instant with regard to my connection and the work of Missions in South-East Alaska, I have the honour to state that I went to Alaska as Superintendent of Presbyterian Missions in 1877. I have spent, between that date and the present, three winters and nearly every summer; have visited repeatedly parts of the territory south of Mount St. Elias, as well as large portions to the north and to the west.

In the spring of 1885 I was appointed General Agent of the Department of the Interior of the United States' Government for the purpose of establishing schools.

In establishing Presbyterian Missions in South-East Alaska, it was always understood that it was a part of the United States, as the Home Department with which I was connected had no authority for the establishment of Missions outside of the jurisdiction of the United States.

In 1881 I established a Presbyterian Mission Station on Portage Bay, at the head of Lynn Canal, which was named Haines. The Reverend Eugene Willard and family were placed in charge, and their work has grown at that point into a flourishing church of native members. The missionary now in charge is the Reverend W. W. Warne.

In 1885 I sent Mr. and Mrs. Lewis Paul as missionaries of the American Presbyterian Church to Fort Tongas, on Tlekhonsiti Harbour, at the extreme south-eastern point of Alaska, where they remained for several years. In 1895 this Mission was transferred to Saxman, on Tongas Narrows, where Mr. James W. Young and the Reverend Edward Marsden are in charge.

In 1887 Mr. William Duncan, at the head of a prosperous Mission at Metlakahtla, in British Columbia, moved his colony north to Annette Island, in order to get within the jurisdiction of the United States.

In 1897 the Mission Society of the Protestant Episcopal Church of the United States established a Mission at Ketchikan, on Tongas Narrows, South-East Alaska.

In 1881 the United States' Naval Commander in those waters assembled Shateritch, Donawok, and other leading Chiefs of the Chilcat tribe, and explained to them the object of the missionaries locating among them and charging them to see that they were not molested, and annually thereafter the ceremony was repeated up to the year 1885, and later.

Detachments of the United States' army had had camps at Kadiak, Kenai, Sitka, Fort Wrangel, and Fort Tongas, from 1867 to 1877, inclusive. Upon the withdrawal of the military in 1877, a naval vessel, at first the "Jamestown" (Captain Henry Glass), afterwards the "Adams" and the "Wachusett," the latter commanded by Captain Lull, was stationed at Sitka, cruising as circumstances required, to preserve order among the natives from Fort Tongas in all the inlets, to the head of Lynn Canal.

I have, &c.
(Signed) SHELDON JACKSON,
General Agent.

Hon. W. R. Day, Secretary of State, Washington, D.C.

Report on the Portland Canal.

(From Senate Doc. No. 19, Fifty-fourth Congress, Second Session.)

(Extract from Report of Captain D. D. Gaillard, Corps of Engineers; United States' Army, to the Secretary of War, November 3, 1896, p. 4.)

In that part of South-East Alaska adjacent to Portland Canal, *i.e.*, the area included between Dixon's Entrance, Clarence Strait, the west branch of Behm Canal, Bell Arm, the 56th parallel of north latitude, a small part of Bear River, and Portland Canal, the United States has established three post-offices—one at each of the following points: United States' custom-house, Mary Island; Ketch-i-Kan, Tongas Narrows; and Loring, Naha Bay, Behm Canal. Another is soon to be established at Metlakahtla, Annette Island.

The United States' custom-house, which was established at Tongas, Tongas Island, in 1869, was abolished toward the close of the year 1888, and by Act of Congress, approved 3th March, 1891, Mary Island was constituted a subport of delivery. On 29th April, 1868, a military post, Fort Tongas, was established at Tongas and garrisoned by about three commissioned officers and fifty enlisted men of Battery E, Second Regiment of Artillery, until 7th October, 1870, when the post was abandoned.

The largest Settlement in the region under discussion is at New Metlakahtla (Port Chester), where there is a store, a cannery, a sawmill, and about 856 Christian Indians, who, in 1887, to obtain greater religious liberty, abandoned their village in British Columbia and followed their devoted missionary, Mr. William Duncan, to their present abode, upon arrival at which it is said that they hoisted the United States' flag and formally transferred their allegiance from Canada to the United States. By Act of Congress, approved 3rd March, 1891, the body of lands known as Annette Islands was set apart as a reservation "for the use of the Metlakahtla Indians and those persons known as Metlakahtlans who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them," &c.

Act of Congress of March 3, 1891, relating to Annette Island.

(United States' Statute, vol. 26, p. 1101.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:—

* * * * * * * *

Sec. 15. That until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in South-Eastern Alaska, on the north side of Dixon's Entrance, be, and the same is hereby, set apart as a reservation for the use of the Metlakahtla Indians, and those people known as Metlakahtlans who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior.

* * * * * * * *

Approved, the 3rd March, 1891.